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AN AUTHENTICATED REPORT

OF THE

TRIAL OF MYERS AND OTHERS,

FOR THE

MURDER OF DUDLEY MARVIN HOYT.

WITH THE ABLE AND ELOQUENT SPEECHES OF COUNSEL, AND

“THE LETTERS,” IN FULL,

WITH EXPLANATORY NOTES, WHICH FURNISH A CLEAR AND

COMPLETE HISTORY OF THE CASE.

DRAWN UP BY THE EDITOR OF THE

RICHMOND SOUTHERN STANDARD.

NEW YORK :

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30 ANN STREET.

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ENTERED ACCORDING TO ACT OF CONGRESS,
IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX,
BY RICHARDS AND COMPANY,
IN THE CLERK'S OFFICE OF THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW-YORK.

P R E F A C E .

Search the records of our criminal courts, and you will hardly find a case better calculated to interest, to excite, and to *warn*, than that detailed in the following report. If we consider the nature of the crime, the character and standing of the parties, the wide-spread and desolating blight which the improper indulgence of human passions has brought upon the community, this case stands without a parallel in the criminal annals of our country.

About the 20th of September, 1846, rumors became rife in the City of Richmond of the discovery of an improper intimacy between D. Marvin Hoyt, Esq. and Mrs. William R. Myers. Mr. Myers, the husband, was then absent, and the intrigue was said to have been ferreted out by his brother, Col. Samuel S. Myers. On the 23rd, Mrs. Myers was removed by her father to his residence in Albermarle. On the 27th, Myers returned to Richmond, arriving about half past twelve at night. On the morning of the 28th, about a quarter before seven, Hoyt was found shot in his bed. William R. Myers, Col. Samuel S. Myers, and William S. Burr were immediately arrested as doers and participators in the bloody deed. They were carried before a committing magistrate, and the Commonwealth being unprepared with her testimony, the parties were held to bail, and the case continued to a future day. Hoyt lingered twelve days, and died on the 9th of October, about a quarter past eight P. M. An inquest was held upon his body, and the verdict of the jury found William R. Myers guilty of the murder, and Samuel S. Myers and William S. Burr guilty of aiding and abetting in the same. Upon this inquisition, the Coroner issued his precept for the arrest of the criminals. On Monday the 12th, the accused appeared in court, to answer their former recognizance, and were immediately arrested under the Coroner's warrant; and it is the trial before the Mayor which ensued, that we propose to lay before the reader. We report this case in its initiatory stage rather than in its farther progress before a higher court, because a greater range and wider latitude were allowed to the introduction of testimony here, than could possibly be admitted under a strict construction of the rules relating to legal evidence. Hence, the case is more fully before the public than any succeeding report could have brought it.

Mr. William R. Myers is a native of Baltimore, where his parents still reside. He is a partner in the wealthy firm of Samuel S. Myers & Co.; a gentleman of the highest respectability, moving in the first circle in the City of Richmond. Mrs. Myers, who is now about twenty-three years of age, is the daughter of Major Pollard, a gallant and distinguished soldier in the last war, and at present an extensive planter in the county of Albemarle. Her mother is the sister of the Hon. William C. Rives, and her con-

PREFACE.

nections are as numerous and respectable as any in the State of Virginia. She is a lovely, talented, and accomplished woman, and we well remember when, a little while ago, the admired belle became the blushing bride of an envied husband. A few short years, and she, who was surrounded with love, honor, and wealth, finds, as the consequences of her unpardonable conduct, herself a miserable outcast, her lover murdered, her father's head bowed down with shame, and her husband arraigned as a common felon. Is it a wonder if she should become, what rumor has already made her, a raving maniac, or a desperate suicide?

Of Mr. Hoyt very little is known. He was a native of Massachusetts, and his connections are said to have been of the most respectable character. He had been living in Richmond for some fifteen years, engaged in the Lottery and Brokerage business. He had a fine person, of which he seemed particularly regardful, adorning it with a very *cutré* and extravagant style of dress, which excited much attention, and perhaps some animadversion; but until the *denouement* of this unhappy affair, we never heard anything to his disparagement, either as a merchant or a gentleman.

Major Pollard got to Richmond a little while after the execution of the bloody deed, himself fully prepared to put Hoyt to death. If he had arrived a few hours sooner, what a dramatic scene it would have presented, to behold the father and the husband contending for the privilege of slaying the man who had dishonored the daughter and the wife!

This report, which has been drawn up with great care, originally for the Richmond "Southern Standard," is entirely impartial. Indeed it, together with the arguments, some of which are splendid specimens of forensic eloquence, were submitted to the revision and correction of the counsel on both sides, before they were printed at all.

TRIAL OF MYERS AND OTHERS.

CITY OF RICHMOND, }
Mayor's Court, Oct 12, 1846. }

At 11 o'clock the Mayor took his seat, and the accused, who were already under recognition, appeared with their counsel, Messrs. R. G. Scott, Jas. Lyons and Gustavus Myers, a few minutes afterwards.

The Mayor sent for Mr. Joseph Mayo, the Commonwealth's Attorney for the City of Richmond, and requested his presence during the examination, that he might have the benefit of his assistance if he should require it.

The examination was then entered into.

Dr. E. H. Carmichael was sworn and deposed as follows:

On the morning of 28th of September, was called to see Mr. Hoyt, about seven o'clock—found him lying in bed; upon examination discovered a severe wound in the right side of the frontal bone, apparently effected by a pistol shot, the ball had fractured the bone and passed into the brain—I passed my finger into the wound, which was about 3-8 of an inch in diameter, and found the inner table of the skull extensively fractured, and many pieces of the bone driven in on the brain—resolved to resort to the operation of trepanning to remove the loose pieces of the skull, and any pieces of the bone that I might find. By this process I removed 13 or 14 pieces of bone and part of the ball. The part of the ball that I found weighed 13 grains; an entire ball that was found in the bed weighed 59 grains. Besides this the most important wound, a ball had passed through the right thigh into the left, and lodged under the skin; this was however so slight an injury comparatively, that I did not even attempt to remove the ball, Mr. Hoyt observing that it was a matter of no consequence. There could be no doubt of the wound in his head having caused his death. Found Mr. Hoyt perfectly sensible, calm, and collected—informed him immediately of his approaching end, and the impossibility of his recovery—he was very cool and expressed his conviction that he would never get well. When asked how it occurred, he said that he was lying in bed when some one knocked at the door, and told him to come in; Mr. Wil-

liam S. Burr entered, and remarked that he had come upon a very disagreeable piece of business, which he hoped however could be happily adjusted; thereupon he handed him a paper, to which he said his signature was requested. This paper was afterwards produced to the court, and was worded as follows:

"I, D. Marvin Hoyt, of the city of Richmond, do hereby pledge myself to leave the said city forthwith, and never to return to it, acknowledging at the same time the penalty for any violation of this pledge to be the forfeiture of my life.

RICHMOND, Va., Sept. 28, 1846.

When he declined signing this paper, and whilst he still held it in his hand, Mr. Wm. R. Myers and Col. Sam'l. S. Myers came forward, and Col. Myers commanded him to sign the paper immediately, which he refused to do, when William R. Myers advanced to the bedside, and presenting a revolving pistol to his head, drew the trigger. The pistol snapped; but as he was attempting to rise, Myers fired the second time, and then continued to fire several times afterwards.

On Wednesday, the last day that he was sensible—even then it had become necessary to arouse him from the stupor into which he was falling—I had another conversation with him, in which his statements were substantially the same as those he made before—asked him if he was aware that Mr. Boyden had been implicated in the charges that were brought against him: he said he was, and added, "he is as innocent as you are."

Cross-examined.—In answer to a question from Mr. Lyons. Know nothing about this affair, except what Hoyt told me. H. said he was resting on his elbow, reading the paper presented by Burr, when the Messrs. Myers came forward. He did not tell me at what time he got out of bed; I did not see the paper, both conversations, that on Monday and that on Wednesday last, were very short and hurried; I held the last on Wednesday, at the request of the Mayor, simply to see whether he continued to repeat his first account, and he did so exactly.

Dr. C. S. Mills was next sworn. I was called on by Dr. Carmichael to assist him in

trepanning Hoyt—officiated in that capacity, and visited him frequently afterwards as a consulting physician; heard Mr. Hoyt speak lightly of his wounds up to Saturday—since then he has hardly adverted to them. When I first got there, asked him how he felt—answered, “pretty well, only they have been giving me some blue pills,” smiling and pointing to his head. He commenced on one occasion to say, that it was a horrible affair for a man to be shot down in a civilized community, and began to protest his innocence; but I told him that to talk about it would excite him too much, and that he had better remain quiet—to which he readily assented. On one occasion, he said, he could get up and go about his business, if his physician would let him—discouraged any conversation on the subject of this affair, because I foresaw the probability of my being examined on this inquest, and preferred to give my testimony only as a medical man.

Cross-examined.—Did not make post mortem examination; was present at conversation held by Dr. C. with Hoyt on Wednesday last, and heard him tell Dr. C. what he has just related: at that time Hoyt spoke but little, and seldom, except to reply almost categorically to questions put to him; he never put any papers relating to this matter into my hands, nor did I encourage him to talk about it; when he spoke to me of his innocence, he did not say of what, but only in general terms, that he was innocent; remarked that I had never seen a man exhibit so much fortitude; he replied that the reason of it was that he was sustained by a good conscience.

JAMES EVANS was next sworn.—He is an alderman of the city of Richmond. On Monday the 28th of September, between the hours of 11 and 12, A. M. I was called on by Mr. Thompson Tyler with a request from Hoyt that I would visit him immediately in my official capacity—went to his office and found him in bed—Hoyt intimated to me that he was desirous of making a statement under the solemnity of an oath of the occurrences of the morning; I administered it to him in the usual form, and proceeded to take down his statement in writing, just as he delivered it. [This paper was produced by Mr. Evans, and is in the following words:

STATE OF VIRGINIA, }
CITY OF RICHMOND. }

To Wit: This day D. M. Hoyt, being duly sworn, deposeth and saith. While being asleep, between the hours of six and seven o'clock this morning, some one knocked at the door of my room and I told them to come in. The office being open, the servant having just been in, the person entering was Wm. S. Burr, who handed me a paper, at the same time saying he called on a very unpleasant business, and hoped I would sign it, as it would probably prevent any further difficulty, saying that the public were against me.

While in the act of reading the paper Col. S. S. Myers and his brother William entered my room. Col. Myers wished me to sign the paper immediately. I declined signing it. William R. Myers immediately presented a pistol at my head and snapped it. It missed fire. He pulled the trigger again, but whether it exploded I am unable to say. I immediately jumped out of bed, and while in the act of getting out, or immediately after getting out, the pistol was fired two or three times as near as I can recollect. I received one or more balls in my thigh. I soon after fell to the floor and rolled down the step in my room. Shortly after I fell and rolled down the step, the two Myers left my room. William S. Burr I have no recollection of having seen after the snapping of the pistol. While lying on the floor and not expecting to live many minutes, and in the presence of the two Myers's, I said that I was innocent of any crime, and the lady in question also; and I now repeat the same, and shall, to the moment of my death.

(Signed) D. M. HOYT.

Witness—E. H. Carmichael, Frederick Boyden, Thompson Tyler, E. B. Pendleton, M. B. Poitiaux, jr.

Sworn and subscribed to at ten minutes before twelve o'clock by D. M. Hoyt, in the presence of E. H. Carmichael, Frederick Boyden, Thompson Tyler, E. B. Pendleton, and M. B. Poitiaux, jr., this 28th day of September, 1846; as witness my hand and seal the day and date above written,

JAMES EVANS, J. P. [seal.]

Mr. Evans then went on to state, that after retiring out of Hoyt's presence, he returned and asked him whether he made the statement he had just signed in anticipation of approaching death, or whether he had any expectation of surviving the wound. He answered, “I made the statement under the belief that I am to die. I never was placed in such circumstances before, but I made them under the impression that I could not last long, and I now repeat them, and shall to the moment of my death,” his head sinking back, and his voice dying away as he uttered the last words. Don't think I ever saw any one exhibit more composure—was induced to make the remark that he was as placid as a sleeping infant—no excitement about him—once he indistinctly spoke of “this murder, or whatever you may choose to call it,” but in what connexion it was spoken I did not understand.

He was asked if he knew whether Hoyt was an atheist, as was reported out of doors. Mr. Evans replied, that he made no enquiry upon that subject, but that he took the oath without objection or remark. When I asked for a bible, the young man, who seemed much agitated, handed me a book which was not a bible; Hoyt, who was much the most collected man in the room, reproved him for it, and

told him where he would find the proper book, which was then brought to me.

Cross-examined.—In drawing up the paper I put down the words as Hoyt used them, even to tautology. At the end of each sentence I would ask him if it were correct, and make such alterations as he directed. Did not converse with Hoyt on this subject afterwards, but went again to take his affidavit upon the subject of Mr. Boyden's innocence of any participation in the matter. Heard him say on that occasion, "Well, Boyden, this presents something the appearance of a butcher's block." Was told by Mr. Tyler, who came for me, that he was sent either by Mr. Hoyt or Dr. Carmichael, I don't know which.

Dr. Carmichael was called and asked by Mr. Lyons if he knew how Mr. Evans came to be sent for. Replied—I was in an adjoining room to the patient when Mr. Boyden asked me if it was not customary to take the affidavit of a dying man under such circumstances. I thanked him for reminding me of this omission of a part of my professional duty. I went back and asked Mr. H. if he desired to make an affidavit; he said he did, and I then got Mr. Tyler to go for Mr. Evans, as the nearest magistrate.

ORLANDO A. PEGRAM was then sworn—I live as a clerk in the store of Mr. Crantz, the tenement next below Hoyt's office—saw S. S. Myers and W. R. Myers pass up the street before the store door about a quarter before seven on the morning of the 28th—very shortly afterwards heard the report of three pistol shots, which I supposed proceeded from Mr. Hoyt's room; in 4 or 5 minutes saw the two Messrs. Myers pass down the street; as they returned, Col. Myers seemed very much agitated, but W. R. Myers appeared quite composed. Had heard rumors about Hoyt and Mrs. Myers, two or three days before for the first time, but had seen nothing to warrant me in supposing them to be true.

Cross-examined.—I was induced to go to the door when I saw the Myers' go up the street in consequence of the rumors I had heard two or three days before about Mrs. Myers and Mr. Hoyt. I have been living with Mr. Crantz for about three years, but never saw anything to justify these rumors. I did not see Wm. S. Burr go up the street, but I saw him come down with the Myers.

JOHN A. HAWES sworn—I live with W. & E. P. Carpenter & Co. in the store two doors below Hoyt's office; servant came in on the morning of the 28th, and informed me that he had seen the Messrs. Myers getting out of a carriage in the alley on the south side of the Exchange—went to the door and saw W. R. Myers and another gentleman, whom I afterwards learned to know as Col. S. S. Myers, enter Mr. Hoyt's office—in three or four minutes they returned with another to me unknown, and entered the carriage which re-

mained waiting for them in the alley—W. R. Myers directed the driver to hasten up Main street as fast as he could go—the carriage was an old one, and had the appearance of being a city hack—observed several fishing poles tied underneath it.

Cross-examined.—I went to the front door, because the rumor I had heard about Mr. Hoyt and Mrs. Myers induced me to think the Myers were going to Hoyt's room to get satisfaction. Can't say exactly of whom I heard these rumors, but of two or three who were talking about it at various times before the door. I did not hear the report of a pistol.

EUGENE B. PENDLETON sworn—I lived with Hoyt in the capacity of a clerk; was going down the street on Monday morning, when I was informed Mr. Hoyt was shot—went back to the office—heard Mr. Hoyt calling for his servant—his room door was closed—went in, and found him in bed. The bed had a great deal of blood on it. He told me if I would look on the bed I would find a paper brought to him by William S. Burr, which paper B. requested him to sign; that while reading it, reclining on his elbow, Wm. R. Myers and Samuel S. Myers came in—that Samuel S. Myers said he must sign it, and on his declining to do so, William R. Myers presented a pistol to him, which he snapped—that he then jumped out of bed, but could not say when he was shot—that he fell off the platform into the room below—that he by some means got a towel, wiped the blood from his eyes, and then scrambled back to his bed. He asked me to go for a doctor, which I did.

Cross-examined.—I have been living with Mr. Hoyt three years from last May. I heard reports which connected the name of Mr. Hoyt with that of Mrs. Myers for several days before H. was shot.

[Mr. Mayo, who had been absent, here asked if rumors had been previously received in evidence. The Mayor stated that they had—that it was his custom, while sitting as a committing magistrate, to receive all the evidence that was offered, that he might know what witnesses ought to be recognized to appear before a higher tribunal. Of course he took care to discard all that was illegal in making up his opinion of the propriety of discharging or sending on the prisoners.

The examination then proceeded.

Mr. PENDLETON continued: Mr. Hoyt asked me two or three days before he was shot if I had heard any reports about him and Mrs. Myers; I said I had; he asked me to notice who talked about them thereafter, and to let him know, as he wanted to put a stop to them; I told him I would; there was not much intimacy between me and Hoyt; this was the first time he spoke to me of Mrs. Myers; after this conversation I did take notice, and never heard any one speak of the reports; the subject was never mentioned be-

tween us again until after he was shot. I do not recollect who it was that I heard speak of these rumors; can't remember. [Afterwards, questioned again by Mr. Scott, he said:] I think I remember now hearing Mr. Poore speak of them, also Mr. William Bigger; Hoyt did not ask me to tell him who I had heard talking about it, only to inform him if I heard any body talking about it again; I therefore did not tell him whom I had heard talking about it. [In answer to questions by Mr. Lyons:] I had seen Hoyt and Mrs. M. in conversation at her carriage door, as it stood in the street; I recollect only once on which this happened; I was standing in our door when the carriage drove up opposite Mr. Crantz's door, where Mrs. Myers dealt; Hoyt was in the office, but whether he was behind or in front of the screen that sits before the door I cannot say; I never then nor at any time, gave him, either by word or signal, notice of Mrs. Myers' approach; on this occasion he came out and passed me as I stood in the door, and went to the door of the carriage and talked to Mrs. Myers; I do not know how he knew the carriage was there; perhaps he heard it when it drove up; do not remember that I ever saw him go out to the carriage before; this happened more than a week, probably more than a fortnight before he was shot; I can't tell what impressed it particularly on my mind; had never heard of any rumors when I saw Hoyt at the carriage door.

Mr. MAYO here rose and said, that he declined to ask the witness any questions about rumors that he heard, lest he should appear to commit himself to a course of examination that he did not approve. At another stage of this proceeding, if it arrived there, he should certainly resist it. Mr. Lyons replied with great warmth, that they had a legal right to enquire into the nature and character of these rumors; that, in this way, they had already elicited the fact that the wife of his unfortunate client had become so stale, that her name was in the mouth of every negro on the street, and that the very counter boys were agitated and excited by the horrid tale. Was it to be expected that the wronged husband alone should be cool and calm under such circumstances? He (Mr. Lyons) spoke warmly, because he was himself a husband and a father, and he could not but sympathize with those who had been so foully wronged in these delicate relations. Mr. Mayo expressed his surprise that Mr. L. should exhibit so much excitement upon so simple a proposition. He hoped he estimated as highly as any man what belonged to a husband and a father; he stood there in most peculiar circumstances, with a desire to wrong no one, but with a desire to see the laws of the land justly and fairly administered. His only object in rising before was to explain the singular position in which he found himself by the request of the Court, and to inti-

mate that he must not be considered as consenting to the legality of all the evidence that had been given in here to-day. He wished to avoid all excitement, and he trusted that, under all circumstances, God would give him patience to discharge his duties as a public officer should do.

THOMPSON TYLER sworn—I live in the Exchange; was sitting in the barber's shop on the morning of the 27th; a negro came running in, saying that Mr. Hoyt had been shot, and that I was waiting in his room immediately; proceeded to the chamber, and found a pool of blood at the foot of the steps leading from the chamber into the office; Mr. Hoyt was lying on the bed, wiping his face with a towel.

[The witness here detailed the statement made to him by Hoyt, to exactly the same amount as that already reported by Dr. Carmichael.]

He added: Hoyt frequently said to me, "Tyler, old fellow, it's hard that an innocent man should be shot down in this way." I found a small tea-spoonful of something that I supposed to be Hoyt's brains, lying at the foot of the steps; found one ball in the bed; it had passed quite through the mattress and lodged in the rail of the bedstead, and probably the balls are there now. Hoyt thought that it was the second ball that took effect in his head.

Cross examined—I live at the Exchange as assistant manager; I have seen Mrs. Myers about the hotel frequently; not oftener though than other ladies; on one occasion I recollect seeing Mr. H. and Mrs. Myers in the parlor together; Mr. William Myers came to the bar about five minutes afterwards, and then proceeded towards the parlor; I do not know when or how Mr. Hoyt got into the parlor, or when he went out; I saw him sitting there as I happened to pass by the door; this was the only time I ever remember to have seen them together in the house; the weather was warm, and the windows and doors were all open, so that the room was perfectly public; I never said that I had seen them together under suspicious circumstances; am sure of it; I never told Mr. Poitiaux Robinson that I had seen things that excited my suspicions; he said to me something about a book that Mr. H. had given Mrs. Myers in church, that had excited talk; I said it was very remarkable that it should, but I am very sure that I never told him of anything that I knew to excite suspicion; I do not know of their ever having had the use of No. 18; think I should have known it if they had; I never said, as well as I can remember, that Mrs. Myers's coming to the hotel, without asking for ladies, had excited my suspicions; I never mentioned the subject to Mr. Boyden, nor he to me; I have no knowledge of their ever having been in any other room except the parlor, and that on the occasion I have mentioned; the parlor

was always open, and seldom empty; I never told Mr. P. Robinson that it was strange that Mr. Hoyt and Mrs. Myers should remain in the parlor together from eleven to one, nor anything of the sort. Asked—Are you sure nothing passed between you and Mr. Robinson on the subject? he paused, and said, perhaps there might have been, but don't recollect anything but that about the book. Didn't you say anything to him about their being in the parlor? Ans.—He said to me something about their being there, but I told him that Mr. Myers was there also. No. 19 is the ladies' reception room; No. 18 is called the club room, and is on the opposite side of the passage; it is one of the most public rooms in the house; has four windows opening out on the piazza, where the gentlemen generally sit to smoke segars. [Upon being questioned more particularly, said,] the windows which open on the inside; persons in this room, by shutting the door and closing the blinds, would be perfectly private; I do not know when the conversation with Mr. Robinson occurred, except that I remember it was during the hot weather.

[His examination being finished, Mr. Tyler asked leave to quit the court for an hour or two. The counsel for the defence said they had no objection to his doing so, but advised him not, on his own account, as they felt bound to apprise him that his evidence would be directly impeached.]

J. W. CALDER sworn—I live at the Exchange as assistant manager—got to Mr. Hoyt's room a little before seven o'clock; at Mr. Hoyt's request looked for a paper, which he said was on the bed, and which he had been shot for refusing to sign; found it between the bed-clothes and the wall against which the bed was placed; he asked me to take care of it, and I did so; it was out of my possession only once, when Mr. Wm. M. Robinson, of Petersburg, borrowed it; when I asked for it, found it in possession of Mr. Tyler; kept it afterwards until it was delivered up at the Coroner's inquest. [The Mayor handed Mr. Calder the paper we copied before, and asked him if that was the one to which he referred; he said that it certainly was, and that he identified it by the general appearance, and a spot of blood that rested upon it.] In answer to an inquiry from Mr. Lyons, Mr. Calder said, Hoyt told me that Burr presented the paper; he declined signing it, and Burr then withdrew as Mr. Myers came forward and made the attack.

FRANCIS SCHAFER sworn. I saw on the morning of the 28th, Wm. S. Burr and Col. S. Myers going from the step of Hoyt's door down towards the lower corner of the Exchange; I did not notice the third man.

Mr. W. V. CROUCH was then sworn. He testified that he was riding down the street early on Monday morning; saw Wm. S. Myers, Col. Myers and Burr come out of

Hoyt's office and get into a hack at the lower corner of the Exchange tavern.

FREDERICK BOYDEN, the keeper of the Exchange Hotel, was then sworn. I know nothing about this matter except what Hoyt told me; I was present when Mr. Evans took his affidavit: don't recollect speaking to him afterwards upon this subject.

Cross Examined.—I am not aware of any interviews between Hoyt and Mrs. Myers, in my house; I was at Old Point Comfort this summer, about the 1st of August; when I returned, a gentleman staying in my house, Mr. Mosby, told me that he had seen Hoyt and Mrs. Myers come out of No. 18, he asked a servant who the lady was, and he said that it was Mrs. Myers; I paid no attention to it, for I did not believe it, especially as it depended on the statement of a negro; I was not very intimate with Mr. Hoyt, nor do I believe any one here was; he mentioned his matters relating to his business or his private affairs to no one; certainly not to me. I did one day receive a note from a servant in the presence of a dozen persons, in which I was simply asked to hand the enclosed to Mr. Hoyt; I did so, and detained the servant until Hoyt told me there was no answer; I always do this, to prevent the necessity of sending my own servants away with an answer; I did not even notice the servant, nor do I know who he was; some days afterwards Hoyt and myself were going to Petersburg, to the races; he said to me before starting "there is a note for me enclosed in one for you in the possession of Miss Burr, of this city; I wish you would send for it and let me have it." I wrote to Miss Burr for it—here a note was produced, which Mr. Boyden admitted to be the one he alluded to. It read as follows:

"I understand that Miss Burr has a note for me, which I am anxious to get before I leave town, as it may require my attention before I leave. You will confer a favor by sending it by the bearer, and oblige

Yours, respectfully,

FRED'K BOYDEN.

Exchange, 23d Sept. 1846."

[We are requested to state that the note left with Miss Burr was handed to her by Mrs. Myers, with the assurance that it contained notes which she wished Mr. Boyden to have changed into gold for her.]

Mr. BOYDEN continued: I said to Hoyt, as the note is for you, you can take it when the servant comes, and I thought no more about it until the next day, when I asked Hoyt if he had received it, to which he replied that he had; I never saw Mrs. Myers in any room in my house except the parlor, although Mr. and Mrs. Myers boarded at the Exchange for several days together; Mr. Robinson never told me that they had improper meetings that I remember, but I have heard so much that I hardly recollect; I have no recollection of anybody's telling me of suspicious meetings of these parties, except what

Mr. Mosby told me, as already related.—[Asked how the warrant came to be issued at his request,] said, it was a mistake; Mr. Wicker, the coroner, sought me and inquired what I knew about the matter, and upon my telling him, issued his warrant without my having anything to do with it; I did not tell Mr. Robinson that Mrs. Boyden refused to be introduced to Mrs. Myers, on account of what had occurred between her and Mr. Hoyt; do not know that the request was ever made. (Questioned closely:) I believe there was something of the kind, but really I have heard so much, that I do not know exactly what did occur.

The Rev. Mr. HOGE, of the Presbyterian Church, was then called and sworn. I was out of town when the occurrence took place and did not return until Wednesday last; board at the Exchange; heard that Hoyt wished to see me, and called on him immediately; the conversation I held with him related altogether to his spiritual condition; am satisfied that he died a firm believer in the truths of Christianity; asked him if he had ever been an Infidel; said he never had; was in the room most of the day Wednesday, and had repeated conversations with him of short duration; asked him if he would join me in prayer; he paused a moment, and said he had not the slightest objection; think he uttered amen, once or twice during the prayer, but cannot be certain; he exhibited little excitement, though I thought he was laboring under deep feeling; observing him to be restless, I asked him if I could do anything for him; he replied very feelingly, "no sir, all that I want now, is that peace no *earthly* friend can give;" saw a bible lying on his table near the bed; he seemed perfectly calm and collected, and entirely in his senses.

The Rev. Wm. NORWOOD, Rector of Saint Paul's Church was then sworn. I was with Hoyt repeatedly in his last days; did not go to learn anything of this affair; I sought only to call him to repentance; he volunteered to me some remarks relative to this affair; on last Saturday week he spoke as if he had strong hopes of recovery, although he was aware that he was in great danger; for I told him that the doctor said so; he seemed already aware of it; he stated to me that the circumstances occurred on the morning of the 28th, exactly as they have been detailed to you. I understood him that when the attack was made he sprang up from the bed, and retreated to the other side of the room, when he thought he received the wounds; when I paused to him in my remarks on the subject of religion, he frequently assured me of his innocence of any criminal connection with Mrs. Myers; he said with great feeling, that their conduct had been very imprudent, and the tears rolled down his cheeks as he said so; but that I might rely upon it, whatever appeared to the contrary, that he was innocent of any criminal connection: I said

to him, you must know that such a flirtation, I did not like to call it by a harsher name, is calculated to madden almost any husband, and drive him to do what Mr. Myers has done, to which he fully assented, as I understood; for he then said, I have thought of this matter, and will not revenge myself on Mr. Myers if I should recover; he repeatedly asserted that he was innocent; he was certainly no atheist; in the last conversation I had with him, he said he was looking to God, and trusted to the merits of his Redeemer for the salvation of his soul; he said he had been brought up to respect religion, and to go to church; that he had neglected it too long, and that he regretted this affair because it might have the effect of preventing him from doing so.

W. J. ANDERSON, sworn. I am of the firm of W. & E. Carpenter & Co. living in the tenement at the lower corner of the Exchange. On the morning of the 28th, I was aroused by the report of the servant, that the Messrs. Myers were going towards Mr. Hoyt's room; when I got up and looked out of the window, Mr. Wm. R. Myers was getting into the hack at the corner of the Exchange. I did not see any body with him; but he told the hackman, to drive up the Main Street, as fast as he could go.

[Here it was announced that the Commonwealth was through her testimony for the present; and the Defence proceeded to call their witnesses.

MAJOR POLLARD, the father of Mrs. Myers was first called to the stand. Mr. Scott handed him a letter and asked if he knew anything about it. He said that it was a letter addressed to Mrs. Myers whilst she was at his house in June, which he had taken out of the post office about the 23d of June.

Here Mr. Mayo rose and asked, "for what purpose is that letter offered here? The prisoners are charged with committing a homicide. The committing magistrate is not to distinguish between the degrees of homicide, and therefore testimony which does not go to disprove the act altogether, or at least to show that it was a justifiable homicide, is irrelevant at this stage of the proceeding. Even if this letter were fit evidence in mitigation of the offence, it would be without the pale of your honor's notice; but the law declares that if the blood has had time to cool between the provocation and the offence, the provocation shall not be even pleaded in extenuation. But this offence was committed on the 28th of September, and this letter is dated on the 19th of June—how then can it be relevant to this cause?

Mr. LYONS rose to reply—the Mayor interrupted him to say that he had determined to receive all the evidence that might be offered, reserving to himself the privilege of regarding only what he considered legal, in making up his opinion. Mr. Mayo yielded to the decision of the Court; but Mr. Lyons

nevertheless proceeded with a splendid burst of eloquence, that electrified the audience and so enraptured our attention, as to make us forget our notes. It is impossible that we can do him justice. He claimed the right to introduce testimony to show the nature of the provocation his client had received. In the name of humanity, in the name of common justice, in the name of the law itself, he denied that there was any principle in the books that would debar him from this privilege. What, was he to measure time by grains and say when a man's blood would cool under such a wrong as this? He would not go to the books to find this out, but he would appeal to every husband in that assembly, to say how long a man must bear an indignity of this kind to get so used to it that he would reflect calmly and coolly upon the act which robs him, at once, of wife, home, honor, and reputation. He claimed the right to introduce evidence to disprove some of the dying statements of Hoyt, and thereby discredit the whole of them; upon which alone the Commonwealth could hope to rest this prosecution. Throw out this evidence, and who could say that when these parties went to Hoyt's room, it was not for amicable adjustment? Who can say how the affray commenced? This deed, if done at all by his clients, may have been done in the heat of blood upon sudden provocation, or it may have been done in self defence. Therefore, it was most important that they should be allowed to introduce evidence to show that Hoyt was unworthy of belief, and by this letter, and this testimony, he expected to prove this fact. He expected to prove notwithstanding this man's solemn protestations of his innocence, under all the solemnity of religious rites, that, regardless alike of the rights of the parent or the husband, he had followed this woman into the sacred sanctuary of her father's house, and sought to debauch her, morally at least, in that sacred asylum. That when appealed to by that father to spare his child, to spare the honor of his house, he promised to desist from his unhallowed purposes, and before the end of another day, before the lie had died upon his lips, the relentless seducer was at his foul work again. He felt warmly; no man who was a husband and a father could feel otherwise, but aside of all feeling, he solemnly believed that the law did not deny him the privilege that he claimed. Mr. Scott also addressed the Court in a very eloquent manner on the same side, and Mr. Mayo replied. He said that he was surprised at the excitement of his friend, but that the case in which he was engaged was such a one that no man could be embarked in it without feeling deeply. God knows he felt it himself as deeply as any man; but he wanted this and every other case in which he was engaged, to be decided by law rather than feeling. When he desired to exclude illegal evidence, he did so because he considered the safety of the citi-

zen only to be secured by a strict administration of the laws of the land. He disputed many of the principles laid down by his friends on the other side, but he did not dispute their right to use this paper for some of the purposes indicated, and if they had only explained themselves when he first asked what use they intended to make of the letter, although not altogether formal, he would not have objected to its being read.]

MAJOR POLLARD now proceeded with his testimony. He said: Mr. and Mrs. Myers came to see me at my house in Nelson in June last. My wife informed me that she had detected Mrs. Myers in writing a letter to Mr. Hoyt, in the city of Richmond. We agreed that it was better to let this letter go, and intercept the answer. I attended the office myself for that purpose, and took a letter out directed apparently in a lady's hand, to Mrs. Myers, after she and her husband had gone to visit some of her relations in Nelson. I opened it and found it of a most improper character for any gentleman to write to a married lady. I went down immediately to Richmond—that is, I got the letter about the 23d, and arrived in Richmond on the 25th. I brought this letter, the one now exhibited in Court, along with me. I found Hoyt late in the evening. I said to him, This is Mr. Hoyt, I believe; I wish to have some private conversation with you, sir. He asked me to his room; I went; I said, Sir, I am the father of Mrs. Myers; I have intercepted such a letter from you to her as no gentleman would write to a married lady. He said what letter? I know of no letter. I produced it. He said Well, sir, you see that that letter is in answer to one that I received. I answered, Yes, sir, that is plain enough. He then said he looked on Mrs. Myers as a sister—that he would sacrifice his life to serve her, and promised me that their correspondence should be discontinued. I told him that nothing but a desire on my part to keep the matter quiet, for the sake of my family, induced me to deal thus lightly with him; but that he must stop all communication with Mrs. Myers, and that hereafter he must not recognize her when he met her. This I repeated two or three times, and he repeatedly promised me it should be done. I left him—the next evening he came to my room, and said it might look curious for him to cease even to recognize Mrs. Myers and asked if that were necessary. I said I supposed not, but that the communication between them must go no further—he promised that it should not—he proposed that I should give him the letter that I had, and he would produce the one to which it was an answer, and we would burn them both—I answered that I would be down again in a week or two, and would let him know. I was detained in town the next day, and about dusk as I was standing in the Rotunda of the Exchange I was very much surprised to see my son-in-law, Mr. Myers, who came up to me,

and told me that he and his wife had returned from Nelson, and were both stopping at the Exchange. I went to the parlor to see my daughter, and there I found her with Hoyt by her side; and nobody else in the room. He moved suddenly away as I approached. I was very much exasperated, but had no opportunity of speaking to him that night—the following morning I called on him early, and had him roused from his bed. When he was dressed he came out on the pavement and I reproached him with his treachery. He said I was mistaken; that he had not even been conversing with Mrs. Myers on the preceding evening. I told him that if this thing was persisted in, and a separation produced between my child and her husband, I would have my revenge even at the risk of my life, and I would keep the letter that it might plead my justification, in case was forced to kill him. That if he killed me, I had sons who would follow it up to the remotest corners of the earth.

I went home, and heard nothing more of the matter until I got a letter from Col. Myers, in Sept. asking me to come to Richmond and intimating what had occurred. I came down, and told him what had happened in June. I might have told him of the letter, but don't think I ever showed it to him until after Hoyt was shot. I carried my daughter up home with me.

[The following is a copy of the letter exhibited to Mr. Pollard, and identified by him as the one he intercepted from Hoyt to Mrs. Myers.]

THURSDAY EVENING, 18th June.

My dearly loved Virginia—While lying on my couch, where I had been for some two hours, *thinking of thee*, much to my surprise and delight, your dear sweet letter of the 13th inst., was handed me; little did I think while inviting sweet thoughts of thee, I should so soon have words before me traced by thy loved hand, fresh from thy heart, and you may well imagine what pleasure the surprise of the receipt of your loved letter gave me. You tell me my letter must be placed in the Post Office *Thursday Afternoon*, to reach you on Saturday, and it *was past 7 o'clock* when I received your letter. The mail leaves in the morning at 8 o'clock, so you see I have but little time to write, but that little shall be devoted to thee, my precious, dear one, for you well know my time is never as pleasantly passed as when devoted to my loved Virginia. You cannot conceive, darling, the pleasure your letter has given me, tho' *parts* of all your letters give me pain—I hope tho' the time is not far distant when letters from you will contain *nothing* but what is pleasure for you to write and for me to read.

Your dear, sweet letter, darling, does give me "proof beyond doubt" how devotedly you are mine; and more proof I cannot give that I am *yours* devotedly, tho' 'tis a pleasure for me to reiterate all that I have said, you

well know, dearest one, how you are loved by me, and I know sufficient of thy dear heart to satisfy me that you do deserve *all* my affection, and I once more tell you 'tis all yours, no division shall be made in it, 'tis *all* thine, loved one, keep it, cherish it—and thee it will *never* forsake. 'Tis entwined around thy precious heart, too strong ever to be severed; be satisfied of this my precious loved Virginia. Have *no doubt* of me, darling, there is no cause for it, you have a hold on my affection which you can always retain if you choose, 'twill not leave till bid by thee.

Your loved letter tells me we are soon to meet again, and happy will be that moment, when I can again look on that sweet face and press to *these*, thy ruby lips, and Oh! that when we do meet, we could remain together never to be separated. You ask, how I can refuse to make you happy? You well know dearest Virginia, how anxious I am to make you a happy woman, and I would *willingly* give my life to accomplish it—would that but do it. You can but know, that it is not an easy matter to accomplish all we wish, when we meet we will have a long talk on this subject so necessary to *our* mutual happiness.—Loved one, how can you fancy that I think you would not be *kind to me*,—kind to me, you could not be otherwise, this I am satisfied of, Virginia. And Virginia, there is not an hour that I do not wish, what we have so long been anxious for, could be brought about. Reflect on my conduct, does it not prove this? You well know it does; *you must know it*. Continually am I wishing you were *mine, mine alone*—my whole thoughts are to accomplish this, dear love, this subject is *never* out of my mind, and never shall be till *thy* happiness is complete; I know my loved one, I could make you happy at once, but in doing this I am anxious that every thing should be so arranged that this happiness should continue. You have had sorrow enough darling, and in making a change, I want all to be sunshine, no clouds or dark spots before you. Do you not agree with me that this would be best love? Soon we will talk this all over, and you will be satisfied that I am anxious to make you *perfectly* happy.

Dearest Virginia, can you think for a moment that my love is not "sufficiently strong" for *any trials* whatever. If I could accomplish your *perfect happiness*, I would care not for *my* happiness, yours is all that I look to, your being happy would *make me so*, doubt not *my love*. I beg of you, dear, you must know that you are the only being *I ever did love*, why doubt me then? I doubt thee not, darling! Why darling should I tell you that I love you if I do not? What am I to gain by it? *I do love you*, and love to tell you so. I was in hopes, loved one, when you got with your mother and family, you would have been less miserable, but it seems there is no change. Now I beg of you, try all in your

power to be less miserable during your stay away from me, and do not indulge in such awful thoughts as you often do. Did you reflect how miserable you would leave *me* dearest, were you to carry out with your *own hands* what you speak of? Oh! I beg of you, banish from your mind such awful thoughts. Loved darling, I think it best that your dear mother should know of your misery, of this, you can best judge with your dear sister.—You, my precious loved one, you must not find fault with me for sending so short a letter, you see I have had but *little* time to write. Your letter was post marked the 17th, tho' written on the 13th, and had I time you should have one of my *long* letters. I have been interrupted frequently since I commenced this, and 'tis now late, pardon me for its shortness, won't you love? for you know when I *have* had the opportunity, I have given you long letters; you forgive me for this short one, love, I know you do, I almost fancy I hear those sweet lips say yes. How I do wish I could be with you in the country, could we but pass a few days together, your friends would still say "how changed." Once more I must tell you that I love you dearly, last night I had a sweet dream of thee; could you but know *all* my thoughts, you would say my love was equal to yours, precious angel. Now darling, pray forgive me, I really have not had time to review the *half* of your dear kind letter, and if I am not allowed another opportunity to write you during your absence, it shall be done in person when we meet, and that sweet meeting will soon come I hope, though you tell me 'tis yet *twelve* days off, I hope tho' tell will be shortened. Darling, dear darling, it really grieves me to send you so short a letter, when I know you expect a long one, and to make up the deficiency, you must read such words as please you *twice*. Please remember me most kindly to your dear sister. Give me one dear, sweet, long kiss, in *imagination*, and believe me yours truly and sincerely,

[The commonwealth's attorney here observed, that since that letter had been read, it was but fair that the court and the public should see the one to which it was an answer. He held in his hand a budget of letters found amongst the papers of Hoyt, which he had obtained from his friend and representative. The counsel for the accused made no objection; indeed they declared that they were anxious that the whole should come out, and Mr. Mayo, the handwriting having been admitted to be that of Mrs. Myers, proceeded to read the following letter.]

ALTA VISTA, June 13.

It has been but three days, my beloved one, since we parted; but in that brief time, alas! I have endured years of misery—suffered, my God! two years cannot the half of it express. I told you, dearest, it would be impossible for me to write you, but I am actually so miserable, so wretched, that my very *very* life de-

pends on writing you, my angel, and I feel that I cannot support existence, unless I can enjoy the sweet privilege of telling you, darling, every thought, every feeling of this devoted, adoring heart. I *must* write you, dearest, even if it cost me my soul, my breath; for were I *not*, I should die. To live when away from you, love, without the sweet interchange of affection, is worse than death: for my very bosom is torn with wretchedness, when separated from you, and the only means by which I can live, thus divided, is to write you, dear one, and tell you how I love you. Oh! darling, precious darling, does not this very act show you beyond a doubt, how devotedly, how entirely I am yours? My God! dearest, never has a mortal loved like me; for I believe it is impossible for a human heart to contain such burning, fervent, unbounded love—passionate, fervent, ardent, far beyond the power of language to express. Oh! dearest, how I long for words to tell you how I love you; for I am sure, did you know all the idolatrous love of this bosom, you would say I deserve *all*, of your blessed affections, to me more precious, more necessary to life than the very air I breathe; for, as I could not live without air, so the same way I should die deprived of thy dear love. Oh! dearest, love you? I actually love you to that degree that my very life depends on it. You know, dear one, that I cannot exist without you. Oh! dearest, dearest angel, my heart is breaking, bursting, with love for thee. It is impossible for me to remain as I *now* am any longer. I cannot, cannot live without thee always beside me. Oh! dear love, tell me how it is that you can refuse to make me happy, when you see my life depends on it. Dearest, when we meet you will no longer refuse. Will you, mine own, mine only one? Remember, I look to you for happiness; for you are the only living creature who *can* make me happy, and oh! darling, do not I pray you, *do not refuse*. Dearest, I entreat you reflect well on what I said to you when we last met, and above *all*, sweet one, remember my happiness here and in a future world depends on you. Beloved one, did you only know how I love you, you would not hesitate. Perhaps, dear one, you think I would not be kind to you—would not make you happy. Oh! mine angel, *kind* did I say? that cold word cannot tell you half the devotion, the tenderness, with which I would render thee so happy. Yes, sweet one, I would watch over thee with all the anxiety, the dear affection with which the mother tends the infant of her bosom. Every joy, every sorrow should be shared by her who has given 'you all, *all* she has in this world, and that is her whole, entire heart. Dear one, in prosperity, in adversity, I would be always the same devoted, confiding being which you know me now to be. In the sunshine of prosperity: then I would share all thy joy and gladness, and should darkness or sorrow oppress thee,

then, sweet angel, in that hour would my love shine out in all its brightness; then would I sit beside thee, dearest, and with love like that of heaven, would I chase away all gloom. Thy dear head should rest on this fond bosom, and pillowed there, beloved, would you be unhappy? Dear, adored, precious one, can you doubt, for an instant, that I would make you happy? Only think, darling, what love I have for you, and oh! *then* doubt is impossible. And think too, dearest, it is in your power to make me the happiest of mortals. Oh! what bliss would be mine, always with you, dearest. *Then* I should in feeling be in Heaven; for where thou art, darling, there is paradise to me. Again, dear love, I beseech you think on all I have said to you, and *if you love me you cannot refrain*. This is the strongest test love can have. Do you not think so? Darling, I should not have mentioned this subject, but each hour, I assure you convinces me more and more that I can no longer remain as I now am; but, perhaps, dear, you hesitate, because your love is not sufficiently strong for this trial. You fear, perhaps, you might not be happy. But oh! God! I cannot, will not think of it. I, dearest, am willing to give up everything on earth for you—for, my God! I love you better than the whole world, and you, beloved, love me just the same. Oh, I pray Heaven you do, for it is the only thing that enables me to support this wretched existence. Darling believe me, when I say it is impossible for me to remain as I now am; I can no longer endure the sorrows I endured, and I am sure, dearest, if you knew all my trials, all my bitter sufferings, you would not be willing for me to endure them any longer. No—your own kind heart would tell you it was more than any woman could endure, and you would rescue me from misery, which, alas! you now cannot imagine. Yes, dearest, if you could only see this heart—only know its utter wretchedness—only know the trials and sorrows which are crushing me so heavily, you would not hesitate, even for an instant. Ah, dearest, I sometimes ask myself will you ever know how much I love you? will you ever know how devotedly this heart is yours? Dear one, everything shows how I love you; for I cannot conceal it from the world; my eyes speak volumes of love to thine; they speak in glances of love to thee alone, dearest; and oh! does not every action tell you how I idolize you? for not a moment do I cease to caress you, away from you, and I cannot live unless I write you every thought—by day thinking of you unceasingly, and at night always with you in my dreams.

All this must convince you; but did it not, there is another proof, beyond the power of doubt; and that is, dearest, that my health has been so affected by this, dear love; every one who sees me exclaims, how changed I am! and you know, darling, nothing on earth

has wrought this change, save the deep attachment existing between us. Loving you as I do, and divided by such obstacles, must make me miserable, and this misery has made me ill in body; but, oh God! in mind it makes me the most wretched of beings. Dearest, I do not love you—no—it is more than the word *love* can express—'tis more even than idolatry—'tis a superhuman love—a worship, such as angels worship God in heaven. Oh! dearest, I worship you; the feelings seem to increase every day, for I now love you so much that I find I can no longer exist away from you; I must be yours, and be forever happy; or else I must take my life with my own hands, for it is utterly impossible for me to support the wretched existence I now do.

Dear love, I am the most unhappy of mortals; you do not know how miserable I am; you sometimes see me in the world, apparently happy, and you may think I have for the moment forgotten my sorrows—you hear me perhaps conversing on different subjects, you see my lips wreathed in smiles, but, ah! dearest, in those moments could you read this heart, how different would all appear to you? To the world, I shrink from expressing feelings too sacred, too holy for their unhallowed view—for what has the heartless world to do with such love as mine? I would not profane it by their gaze—but in this heart, dearest one, there it glows with the brightness of Heaven. Although, mine own darling, you see me in society apparently cheerful, you well know how deceiving it is, for you know all my misery. Never, never, for one moment do I forget it, and while conversing with others, oh! how far, far away are my thoughts. I am thinking, even then, of the wretchedness of my situation. But there are moments, dearest, when I am so overcome, that I cannot repress my feelings, I cannot then even speak to another; I am perfectly abstracted; so miserable that the very tears rush unbidden to my eyes. Dearest love, the world may not know how wretched I am, but you, mine angel, know all and do you not pity me? Oh! dear, dear darling, have I not sufficient to make me wretched, divided perhaps forever, from one whom I love to adoration? Is not this misery, misery? but dearest, you will make me happy, won't you, sweetest love?

Again, dearest, I say if you love me, you will not refuse; for when you see my life depends on you, oh! you cannot hesitate. Oh, darling, pray for me; pray God to support me through all these bitter trials, for I feel as if I should sink under them.

Dearest, since we parted, I have suffered pangs which have almost broken my heart. Oh! precious love, did you not see what I suffered during our last interview? I actually was afraid I should not have strength to reach my room. I had no opportunity of reading your dear note, for I was not alone

a moment. Oh, my God! what a night I passed; never, never can I forget those hours of sleepless agony. During the whole night I never once closed my eyes; my pillow was wet with the bitterest tears I ever shed, and as I lay there awake, thinking of thee, my angel, I thought was there ever such love as mine? ever love so full of tenderness, so full of passionate devotion? No! no! beloved one, never has woman, never can woman love as I do you.

Oh! darling, the next morning with what delight did I read thy precious words! With what passion were they pressed to these lips! Oh! dearest, they made me so happy; for I am perfectly happy when I know you love me, and I am only wretched because I am so awfully divided from you. This alone makes me miserable; for, dearest, make me yours, and earth will not contain so happy a being. As I closed your blissful words dear one, and kissed it for the last time, I could not restrain a burst of tears, and I wept, God alone knows with what agony; for no human eye was on me. Darling, I wept, because I feared you might not always love me; wept in the very bitterness of despair, even at the thought; for the thought almost kills me. Oh! dear one, this fear it is which makes me so wretched. Sometimes, when I think you love me, I feel the very happiest of mortals; and then again, when I think you may perhaps cease to love me, oh! dearest, in those moments you do not know the agony, the anguish of this bosom. Oh! beloved, I kneel to you, I entreat you, I beseech you never, *never* desert me. Oh, God! in that hour when you change towards me, when you forsake me, then life has no longer any charm for me, and I shall not one instant hesitate to take with my own hands an existence far too wretched for me to support. Dearest one, these words are from my very soul, and I feel that this is to be my fate, should you, my own darling, desert me. Oh angel of this bosom! think how dependent I am on thy love for every joy, every hope! for you well know it is all I have in this world. Think how desolate and forsaken I am without it; and oh! could you, would you deprive me of it? Dearest, my very life depends on thy love. Oh, then, spare me! spare me! who worship you with idolatry! with adoration! The fear that you may change towards me, makes me utterly wretched. Oh darling! tell me again and again, you will always love me; then, then I am so happy. The reason that this fear makes me so miserable, is that I know so well my very existence rests with thy dear affections. On you I have placed all my hopes of happiness; treasured in you all this bosom's deep and boundless love; and think, mine own one, were you to desert me, what a wreck, what utter despair would be my fate! Oh dear, dearest one! with my arms closely twined around thee—with my lips pressed to

thine, I entreat you, beseech you, always, always love me. Dearest, you remember the reason I have given you for the fear I have that you may change towards me. It is a painful subject to refer to—yet again, my angel, I exhort you, do not, do not judge me wrongly. In my actions, perhaps I have been led away for the moment too much; but remember what has caused it—the impassioned, unutterable, burning love of a pure, exalted bosom. Yes, in the presence of Heaven itself, I would swear, that this bosom is as free from impurity, as an angel's; and rather than lose that purity, that delicacy, which I know is the jewel of my character, I would far rather lose life itself. Oh! precious! judge me only by my heart. You know its every thought, for not one feeling has been concealed from you—every thought is of you, and is as pure, as spiritual, as Heaven itself. Oh suffer nothing on earth to change you, darling. Always think how fervently, how devotedly I love you, and you can never reject a love so disinterested, so idolatrous, and dear one, so confiding, as mine is for you. The more I am separated from you, sweetest, the more miserable I am—now I am so perfectly wretched, that it is impossible to conceal it. Every one remarks it, and I can only evade it by complaining of indisposition. Alas! could they read this heart, they would see there was the malady that affects both mind and body. My family were startled at my pale, emaciated appearance; and from all I receive the deepest, tenderest sympathy. You, whom I see often, are not aware of the change that is in me; but those of my friends who have not seen me for a year, are struck by the difference both in my appearance and spirits. I am convinced, dearest, that if I suffer much longer, as I am now, I shall sink under it, for 'tis more than mortal can endure; my health is slowly but surely declining; and although persons with whom I am constantly associated, do not observe the change, yet to others from whom I have been separated, 'tis more apparent. To no one have I spoken of my situation, save to dear —. I have wept bitter tears; as I have told her all, she feels for me the warmest compassion, as every one must who knows my sorrows. When we meet, darling, I have a great deal to tell you, which I have no time to write you. I have, with difficulty, written this much, for you can imagine how I am situated here, always liable to interruptions. Dearest, this letter must convince you how dearly I love you, for you know the difficulties I have to encounter both in writing and sending; but I *cannot live* unless I write you and tell you how fondly I am yours. — and myself have fixed a plan by which I can send this letter to you and receive one in answer, without *incurring the least risk or danger*. Oh! dearest, how I do long for you *here*. The country looks so beautiful, and I often think how delightful it would be, if I could only have you here with

me; what sweet walks we would have together, and then too what delicious moonlight rambles; all alone; 'twould be the perfection of bliss; how eloquently, in such a scene, could I discourse of my love for you; and how my heart would leap with rapture, to hear the blessed words of affection from thy precious lips.

Oh! dear love, will the day ever come when we shall be *thus perfectly happy*? *The decision rests with you; 'tis altogether in your power, darling.* I am hoping every day for the time to be fixed for my return; of course he regulates my movements. Oh! dearest, would that you might know how anxious I am to see you; believe me, I love you so deeply that I am wretched forever away from you; even with my own family I find no enjoyment, because you are not here. I can be happy with no one save you, my beloved. What are friends, the whole world to me, without thee? 'Tis a very blank. Oh! dearest, *all*, every feeling of this bosom tells me that I love you above the earth and all it contains. I am ready, willing to give up every living creature for you, dearest; only say shall I do it, and thus secure my eternal happiness. Darling, love, I am dying to see you, and if I am not soon restored to you, I do believe I shall die. You don't know how I suffer, thus parted from you, my angel. If you could see me, as I often am, alone, bathed in tears, you could then form some idea of my misery. I would lose my senses, were it not that I can write you these words of love; they are a relief to my burdened heart. Now, beloved, 'tis near dark, and I shall soon be called away, so I must close this letter which I have written with such happiness but not before I give you my parting request. I want you, dearest, to send me a dear letter by Saturday's mail. Now, in order for it to reach me on that day, you must mail it on Thursday afternoon. Don't forget the time, for I would not be disappointed for all on earth. Darling, I entreat you send me a long, sweet letter, for 'tis all that can sustain me in this dark, sad absence. Tell me every feeling of thy blessed bosom; tell me if you think of me—tell me if you love me. Oh, yes, mine angel! tell me you still love me! and oh, what happiness will you not give me? Darling, write every moment you can, so it will be a long, long letter—for you know, dearest, how I love each word traced by thine own precious hand. Mr. M— says now we shall leave here on Monday, the 29th, and be in Richmond the next day. I shall write you in answer to your letter, and tell you the very day we reach Richmond, and appoint some time for our meeting immediately on my arrival. I shall have so much to tell you, sweet one; and oh! won't it be a delightful meeting! 'Tis a long, long time, dearest, and really when I think of it, I feel as if I should die—for, darling love, you can never know how I do suffer when I am parted from

you. My only hope that supports me in this. I trust ere long to be forever yours. I've determined to speak freely to my mother of my unhappy situation. Do you think it will be best? Now, my adored one, again I tell you I love you—yes, love you so dearly, so wholly, that I have not words to convey the half of it. Tell me, dearest, do you too love me? Kiss me, sweet darling; do always believe I am your own, your devoted, your unchanged love. Mine own angel will send me a long, kind letter, and then when we meet, I will give him thousands of kisses. I love you, dearest, with heart, soul, mind; all, all, is yours. Will you still reject it? No, no, dear one!

Good night, may angels guard thee,

And bless thy slumbers light;

Dream of thine own Virginia;

Good night, sweet love, good night.

On the outer or last page of the above, the following was found: Let the hand writing imitate that of a lady. Direct it to Mrs. Wm. R. Myers, Alta Vista, near Warren P. O., Albemarle Co., Va.

[When this letter had been read, the counsel for the accused declared that it was neither right nor proper to pick out one letter from the budget and read that, but contended that the whole should be given to the Court. To this Mr. Mayo readily assented, and accordingly some ten or twelve more of these letters were read, which, instead of introducing them in the body of the evidence, we have inserted in an appendix, accompanying them with explanatory notes. The Court then adjourned to Tuesday morning.]

MAYOR'S COURT, Tuesday Oct. 13th.

The mayor took his seat at 10 o'clock, and waited until quarter before 11, when the prisoners made their appearance in the custody of the constable, having spent the night in jail.

Mr. THOMPSON TYLER desired to make an explanation concerning his testimony given in on Monday. I remember this morning, although I did not yesterday, that in the conversation with Poitoux Robinson, which I think was in the bar-room, about the middle of spring, I said to him, I could not recollect to save me whether the remark was from me or from him, "it is certainly strange that this lady should call here so frequently after these reports are afloat about her and Hoyt." I am sure the remark was made whilst Mrs. Myers's carriage stood at the door. I said I am surprised that such a smart woman should go into the parlor with Hoyt at any time, after these reports. [In answer to inquiries propounded by Messrs. Lyons and Scott, said,] I had frequent conversations with Robinson. Mr. R. is very intimate with Boyden, and frequently when he has to go away, he leaves Robinson with authority over the house. Our clerk at this time had, what we familiarly call a stone in his hat; and the

house was consequently in great confusion. Can't remember all I said to Robinson, or he to me. I will willingly yield to any thing Robinson may remind me of. Ques. by Lyons. Did not a suspicion of Mrs. Myers carry you to the front door to see whether Wm. R. Myers' horse was there. Ans. No. It's no use to ask me such a question as that, I've got a wife and children at home.

Ques. Did you not say a little while ago, that you were surprised that such a smart woman as Mrs. Myers should go into the parlor with Hoyt, after the rumors that were afloat.

Ans. No : I said I was surprised that she should go into the parlor for an hour and a half, but did not say any thing about Hoyt.

I can't tell where Mrs. Myers was during these visits of an hour and a half, or with whom she was. I did say yesterday, that I had no suspicion about Mrs. Myers, and I say so, now. I had no suspicion of any thing criminal, but I thought her conduct very imprudent. I said yesterday that I was surprised at Mrs. Myers coming here and staying in the parlor with Hoyt.

Ques. Are you sure you said so yesterday. Ans. No; I don't believe I did. [Here the witness's statements became very confused and contradictory: it was almost impossible to report them, he seemed to labor under considerable confusion himself, and remarked, Mr. Lyons, you can readily twist a man up. Lyons protested that nothing was farther from his intention or desire than to entangle or confuse him.]

MAJOR POLLARD was again called to the stand, by Mr. Scott. He said: On the evening on which Hoyt sought me in my room, to have some farther conversation with me in June last, he asked me if I was aware that Mrs. Myers was a very unhappy woman, and that her husband was a very bad tempered man ; I answered that I believed Myers to be a very honorable highminded gentleman, and a very devoted husband; if my daughter was not a happy wife, I was very sure it was her own fault. [In answer to questions propounded by Lyons, Major Pollard remarked:] I have always looked upon Myers as a highly honorable man, and a most kind and affectionate husband ; he seemed to be very liberal in providing for his household, and did every thing to consult my daughter's happiness or meet her wishes. [Asked if he could recollect this morning telling Col. Samuel Myers about the intercepted letter before Hoyt was shot—answered:] I do not remember mentioning the letter, although from circumstances I have learned this morning, I suppose I must have mentioned it when I came down on the 23d of September, cannot charge my memory with the fact.

JAMES R. POLLARD was next called to the stand. I am a brother of Mrs. Myers; about the middle of July, having been apprised by my father of what had occurred between him

and Hoyt a few weeks before, I came down to Richmond to watch Hoyt. One evening I saw him on the Square, walking with Mrs. Myers. I wrote him a letter next day, demanding of him as a brother, for the first and last time, to desist from the course he was pursuing, and told him if he did not, his life would pay the penalty. In answer to this, he asked for an interview in a letter sent me through the post-office. [Here the Attorney for the Commonwealth made his appearance in Court.] Mr. Pollard went on to say: I met Hoyt; he said that he entertained the highest respect for Mrs. Myers, and now that he was aware of the effect produced by his association with her, he would avoid her both in public and private, only recognizing her when they met.

CAPT. HUNTER called and sworn. Some-time about the middle of April I called at Myers' house and asked for Mrs. Myers. I was told she was not at home: went over to Rutherford's, and mentioned to him that I should not visit Mrs. Myers again, since she had denied herself to me, notwithstanding I saw her leaning out of the window as I went up the street; Mr. Rutherford and myself walked down about a square, and met Hoyt, who was coming up Grace street; saw him turn back to the corner of the cross street, and turn toward Franklin; watched, and saw him go to Myers'; he was admitted. This was about 12 o'clock.

B. F. MOSBY was called to the stand. I knew Hoyt, and I am acquainted with Mrs. Myers; I have been living at the Exchange about twelve months; about the 1st of June I discovered Mrs. Myers and Mr. Hoyt in the parlor together; she was in a rocking-chair, and he was sitting on an ottoman, directly opposite to her; I thought it very singular. On the 11th of August I wanted to go into No. 18, which is generally open, and was astonished to find both doors locked; I went into No. 19, just opposite, waited there, and saw a lady come out of 18; being resolved to satisfy myself as to who it was, I followed her to the front door, and found it was Mrs. William Myers; I then went to the piazza on which the windows of 18 open, to see who was in 18 with her; the shutters were closed on the inside; I then returned to the passage and posted myself in a position to command both the doors and the piazza. I remained some little time, and seeing no one come out, I went to the door, opened it, and saw a man retreating through the window. That man was D. Marvin Hoyt. I immediately went to Hoyt's room to note his appearance; he seemed much agitated. I asked him one or two questions that I could have answered myself as well, and came away perfectly satisfied.* I told Boyden that I knew Mrs. Myers had

* See Mosby's statement confirmed in every particular, in letters from Mrs. Myers. Appendix, No. 14.

been in 18 with Hoyt, from personal observation, and not, as he said yesterday, from the evidence of a servant; I told him the very night of the day he got back from Old Point; if I were to tell all the times these visitings to the Exchange were repeated by Mrs. Myers, it would take me fifteen hours to relate them. About four weeks after the occurrence in 18, I happened to go into the parlor, where I found Hoyt reclining on one of the long ottomans, with his head partially in Mrs. Myers' lap; I went out and felt like a rattlesnake was after me; I told Booker, who is now in New Orleans, of this circumstance, and he went in and saw them; I remember one night Mrs. Myers staid very late at the hotel; three or four weeks ago, I sought Col. Samuel Myers at his office, and told him of these occurrences; I cannot be certain of the time, but I am sure it was whilst Mr. William Myers was at the North.

Mr. Poitiaux Robinson called and sworn. The first time that my attention was attracted to Mrs. Myers' conduct at the Exchange, I called about 12 o'clock to take a snack; Mr. Thompson Tyler took me one side and said, what sort of a woman can Mrs. Myers be? I received this rather coldly and said, why do you ask me? she is the wife of William R. Myers of the house of Sam'l S. Myers & Co. He then told me to say nothing about it, but he thought it strange she should stay in the parlor so long. I walked down the passage and saw Hoyt with Mrs. Myers. I went home and returned to the Exchange about half-past two; when I came back I saw Mr. Myers' carriage still at the side door of the Hotel; presume she had been staying there all the morning. I was the more surprised at this interview, because I knew that Hoyt had been unwell, and had not been out of his room for several days before, nor was he out again for several days afterwards. I then went home and returned to the Exchange to dinner about half-past 2 o'clock. I saw Mr. Myers' carriage still standing at the side door of the Hotel. I went into the bar room, Mr. William R. Myers came in and we took a drink together; I went out of the front door to the barbers' shop, and I believe he accompanied me down the steps; a day or two afterwards I went up to Mr. William R. Myers' and asked for Mrs. Myers. I was in the passage and she called to me from the landing above. Is that you? I can't come down—How is Mr. Hoyt. I heard he was sick, and I have missed him from church for some time. This aroused my suspicions, because I had so lately seen them together in the parlor of the Exchange Hotel. I have seen her at the Exchange frequently. Hoyt was generally there, and she seemed to be pleased with him. While William R. Myers was at the North, about the time those rumors burst forth, she came to the Exchange to spend the evening. Seeing her there at night, I thought I would stay and go with her home, merely for the

purpose of preventing Hoyt from doing so. I was in and out of the parlor during that night. When the time came for her to go home, I went into the parlor, and found her with her bonnet on, and Hoyt with his hat on and cane in his hand. I did not offer my services, but expected she would ask me, as she had done before to accompany her. This was while William R. Myers was at the North, and Mrs. Myers was staying at Dr. Cabell's. I saw Hoyt leave the house with her about half-past 10 o'clock. Boyden knew she visited there, for I have spoken to him of her frequent visits. I had made up my mind to tell Col. Myers all about these things, and I was only deterred from doing so by the advice of my friend Col. Adkins to whom I applied. Mr. Boyden never told me that his wife refused to be introduced to Mrs. Myers, nor any thing of the sort. The night before Hoyt was shot, I talked to him about these reports—he seemed reserved and unwilling to speak of them. I told him that William Myers was on his way home; he said he knew it. I told him that he must expect to be held accountable. He said he was afraid it would lead to his destruction. He said, before God, this Sabbath night, I am innocent of any criminality. Surely said I, you have been grossly imprudent. How could you be so mad as to walk home with Mrs. Myers the other night, whilst these rumors are afloat? He answered, I knew and felt that it was imprudent. I thought until I got to the door, that Mrs. Myers was to ride home. When I got to the door, I felt the impropriety of my situation, and remonstrated with her—she insisted on it; what could I do? He added, well, all that can ever be made of it, is imprudence.—I hope Mr. Myers has gone to his wife; if so, all may be explained. When all is known, I shall stand higher in this community than Col. Samuel Myers ever did or ever will stand. If I have a friend in the world, and from any cause I should be found in a dying condition, I will take it as a favor of him to interrogate me on this point, and I will then, as I do now, assert my innocence. This was probably the last remark he made that night.

I have no recollection of the circumstance of the book spoken of by Mr. Tyler, in any conversation I ever held with him.

WILLIAM MUNFORD called and sworn. Has seen Hoyt coming out of Mr. Myers' door very frequently, as he came from school about 3 o'clock; for two months, say up to the middle of May, he was a constant visitor.

COL. WYTHE MUNFORD sworn. I live next door to Mr. Myers; I know that in the winter especially, he dines late, and generally comes up home after 3 o'clock.

[Mr. Lyons remarked that this testimony was offered in connection with that of Col. Munford's son, who deposed to Mr. Hoyt's habitual departure from Mr. Myers' house about 3 o'clock.]

Col. Munford continued: At the theatre

one night last spring, I saw Mrs. Myers and her husband in a box together; I took a seat by her, and began conversing with her. I soon found she paid very little attention either to me or the stage. I was surprised at this, because her usual deportment to me was very kind. I observed that her attention was engrossed by something on the opposite side of the house; upon looking closely, I discovered that Mr. Hoyt was there, (for I had already heard whispers about them,) with his person mostly concealed behind two other gentlemen. Suspecting she was doing something she desired to conceal, I went into the pit to watch her more closely; I soon discovered that she was making telegraphic signs to him. In him I observed nothing but a steadfast gaze. He changed his position, and as he did, she turned her face towards him. I have also seen similar signs passing between them in St Pauls' Church.

Dr. R. H. CABELL sworn—I saw these two letters shown to Mrs. Myers by Colonel Samuel Myers, in my house. Col. Myers conducted himself with the utmost propriety and gentility towards Mrs. Myers. No man would have acted with more coolness and forbearance, and how he did act with so much forbearance actually astonished me. He wanted Mrs. Myers to go home to her father's and offered to accompany her. One of the letters shown to Mrs. Myers had been written that or the day before; it was shown to her. I was requested by Col. Myers to hear the conversation between Mrs. Myers and himself, which took place in my house.

[The letters to which Dr. Cabell alluded were written to Hoyt by Mrs. Myers, and were intercepted by Colonel Samuel S. Myers. On the 12th of September Mosby made his communication to Col. Myers. After some difficulty the Colonel obtained an interview with his sister-in-law, told her what he knew, and respectfully urged her to go to her father in the country until the return of his brother. This she positively refused to do, denouncing the whole story as a base slander. On the 15th Col. Myers ordered Davy, his brother's marriage driver, to bring him any letters his mistress might give him, either to put in the Post-office or deliver to any gentleman in the city. On Wednesday, 16th, Davy brought him one letter directed to Hoyt, and intended for the Post-office. On Thursday morning he brought him another directed to Mr. Boyden. These letters were exhibited to Mrs. Myers on Thursday morning, as Dr. Cabell tells us, and she holdly and unhesitatingly pronounced them forgeries.]

Here the letters intercepted by Col. Myers were offered to the Court and read. They are as follows:]

WEDNESDAY MORNING.

My own fondly loved one, what joy 'tis for me to write you and tell you every feeling of this bosom. How adoringly I love you—how eternal is my affection. Darling, my

greatest happiness is to feel how devotedly I am yours. Does not every word, every action tell you *this*? Oh! beloved, could you have heard and seen me yesterday, how you would prize me. Yes, prize affection like mine, which fears nothing, so long as I am surrounded by the halo of thy precious love. Yesterday I was with a man calculated to awe and terrify me. I saw him in a frenzy of passion, and yet I remained as calm, as self-possessed, as unmoved as a statue. Dearest, what was it that supported me in that hour? What was it that enabled me to act with such courage? I who *once* trembled and wept at his very words. It was thy dear love which sustained me. Oh! precious one, you know not *how* I love you. I love you with a force of which I could not believe the human heart capable—I love you as never one human creature loved another. You were to me like an angel of goodness and kindness. You, mine own one, support me in every trial. I feel that so long as I can clasp thee to my breast as mine own beloved one, I can endure any thing—every thing. What is the world to me—what care I for friends—what care I though the storms of sorrow burst upon me; even in the darkest hour of fate I am supremely happy. I see the storm, yet not even one fear—not *one* dread. No, in this bosom all is sweet, calm, serene joy. There is one who loves me—he is my world—he is my heaven. With him pressed to this devoted heart, I defy every storm in life—for with him as my guardian angel I can know naught save the bliss of paradise. Oh! dearest, do you ever think *how* I love you? How unselfish, how devoted is my love?—Dearest, you know I am ready—nay, impatient, to give up the whole world for you. Oh God! that you would consent to this—that you would make me the *happiest of women*! Oh! did you ever consider how happy we could be together—every hour winging with love—I ever near thee as thy worshipping and adoring Virginia, anticipating every wish—lavishing on thee every devotion—clasping thee in these arms, and breathing to thee these sweet words. “Treasured darling of my soul, thy Virginia is happy—oh, how happy. She is thine, and no power can take her from thee. She has given up all for thee *without regret*. She would not leave thee for all this world could offer. She loves thee, and she is happy—happy.” My God, dearest, when I think what happiness is in our grasp. Oh! how can you hesitate! Did you love like me you *could not*. But this subject kills me. I cannot suffer myself even to think of it. Oh! 'tis distraction, agony, to think how happy I might be—how miserable I am. But, no, dearest, I do not blame you; I only wish you could *think differently*. Dearest, I fear you hesitate, because you think my love is not sufficient for this test. You fear, perhaps, I might regret the step after it was taken. Oh! mine own one, ba-

nish this thought. My love not sufficient! Oh! 'tis more than sufficient. Good God! you do not reflect *how* I love you. 'Tis with a depth, a strength, a devotion unparalleled in the heart of woman. I cannot realize this love, for it is boundless, unlimited; and with this love, could there be one regret? No, *never, never!* Now I swear to you I am ready to give up every thing in life for thee. Oh! that we could fly to the desert—any spot on the globe would be a paradise with thee. Oh! dear, precious love; for the sake of one who worships you, who adores you, I entreat you reflect on this subject, and make *her* happy. Think that the happiness of a being is now in your power, and oh! I implore you hesitate no more. Dearest, if I have said aught I should not, forgive me, for all has been uttered with pure, heavenly feelings. Dearest, you know the purity of this heart; you know not one impure thought has ever dwelt there; and so long as you *know me*, I care not for the world—they may think of me as they see fit. All that I ask is, that my dear, loved one may appreciate me: And, dearest, what makes me so indifferent to the opinions of others? 'Tis that my love for thee fills my whole heart; I have not one feeling for another. I have but one wish, one desire in life—'tis that I may possess thy love. Oh! dearest, when you tell me you will always love me, what joy thrills my very soul. Dearest one, tell me you will never give me up; that no power of man shall sever us; that you will be faithful to me for ever; tell me this, darling, and then I can endure *every thing*. It will give me strength for every trial. Oh! dearest, my very heart congeals at the thought; were *you* to forsake me, what would become of me? Oh! darling, is not this reflection *awful*? What in the name of God would become of me! Only think, I love not a human being save thee. I cling to thee as my all. My very heart is so entwined with thee, that to tear thee from me would rend every heart string. Oh! dearest, 'tis agony to dwell on this; I banish it from me; I know my angel will never forsake me: Tell me so, dearest, for these words alone sustain me now. Oh! dear one I entreat you, after you have traversed this letter, to reflect on all I have done to prove my love for thee. Think on all, *but especially* on the events of yesterday; that tells me how I love *thee*, for it was divine love alone which enabled me to brave the passion, the *threats of such a man*. I, a poor weak woman, yet so strengthened by thy love, that I felt that I could *brave* the powers of all the world for thee. Yes, dearest, think on *all* I have done, and then say has a woman ever loved like me? A love so *disinterested*, for she has no *thought of self*. She sees every thing torn from her, and yet she clings to thee throughout *as her heaven*, and *no man* has power to tear her from thee. Dear love, I am so happy; I have thy sweet miniature.

Did you know what a comfort it is to me, you would not regret giving it to me; I do wish you could see how I love even *thy semblance* every night the last thing, ere I close my eyes in sleep, is to press it to these lips and to thy heart. I then place it on my pillow, and rest my cheek on that dear face. Often in the stillness and darkness of night, so overcome by sleep as just to be conscious I am half-awake, I press it with such passion to my lips, and feel as if I never could give up the pressure. Then, too, I long for morning just to gaze on the precious one of my soul. Oh! how delicious it is to kiss these sweet lips, *even in ivory!* Darling, would you not like to have my miniature? I should be happy for you to have it, as I know it would be just such a comfort to you as yours is to me. To-morrow, dearest, at 1 o'clock, send the hook, and inside the note, as we agreed upon. I shall receive it myself, so there will be *no risk*. Dear love, try and send me a long note, for every word will be so precious to me.

Since writing the above, dearest, I sent Davy to Col. Myers' house, to see if there were any letters for me. Davy tells me that Col. M. was in close conversation with a gentleman, whom I made him describe to me, and who, from the description, is undoubtedly Mosby; therefore we know the author of what he told me yesterday. I am suffering agonizing now, for of course Mosby will tell him of my being at the Exchange, and God only knows what will become of me. Dearest, could you not fall on some plan to let this Mosby know that you are aware of his conduct? it might *intimidate him*. He, I presume, is employed by Col. Myers as a spy upon my actions. Oh! dearest, do you not pity me? Tell Boyden of all this, and entreat him to send that Mosby from the Exchange. Darling, you know how much my very life depends on seeing you; therefore, for God's sake make some arrangement by which we can meet. Write me on the subject, and tell me where we can meet, and if it can be done without Mosby's knowledge; dearest one, promise me we *shall* meet; my *very existence depends on it*. I beg you to tell Boyden *every thing*; he is your friend, and perhaps may arrange it so that we may meet. I am dreading every moment a visit from Col. M., and it has so unnerved me that I cannot write. To-morrow I shall have a note ready for you. Dear love, could we not meet somewhere else than at the Exchange; for I am so afraid to go there. Do think, and endeavor to make some arrangement by which we can safely meet. As I did not see Mosby yesterday, I think he has employed some of the servants about the hotel *as spies*. Dearest, farewell! I love you this moment more than ever, *if that were possible*; for sorrow makes me cling closer to thee. Till to-morrow, farewell, beloved darling.

[The following is the intercepted letter addressed to Mr. Boyden.]

My dear Mr. Boyden :

May I ask the favor of you to deliver the closed immediately to Mr. H. I would at I could find words to express to you the any obligations I am under to you for the address you have shown me, but words are faint to express the deep gratitude I feel for all your favors to me. I can only beg you believe me very gratefully and respectfully.

Your friend.

Wednesday Night.

[The letter enclosed in the above, to be delivered to "H." is without superscription address of any kind, and is as follows:

WEDNESDAY NIGHT, 11 o'clock.

Darling of my soul, how I do love you to night, with a passion, a devotion words cannot express. I have just returned from Doctor —, where I have been passing the day. Oh! a gloomy one to me, for I was thinking every moment when will I see my beloved darling. The first thing I did when I reached this room, was to fly to my dear miniature, kiss it again and again, press it to my bosom with the same warmth, as if it had been thy sweet self in reality. 'Tis now lying beside me, and I stop every moment to kiss the dear lips. Darling if you knew how I worshipped this picture, you would know how I worshipped the original. After sending you my letter yesterday, I found that I was mistaken in supposing it was M——. With Col. Myers, it proved otherwise, afterwards. I saw Col. Myers' servant; and he told me it was a gentleman from New York. This of course relieves my mind exceedingly; but oh dearest, I have acted so injudiciously. Col. Myers called here to-day before I went to Dr. —, and I was compelled to see him. He came to order me as he said to leave Richmond, and says "I shall not go to New York." Are there many women who could stand such insolence of his manner towards me; I can give you no idea, he treats me as he does one of his servants, and yesterday he was so lost in passion as almost to strike me. Oh! darling if you could see him with me, accusing me of things which flushes my cheek with shame. Could you see all, you would not suffer me to be in that room with him one moment. To-day he terrified me so that he made me promise I would not go to the Exchange—this was the only point. I yielded, and now I regret it, although of course I do not intend keeping the promise; but he sees he has conquered me once, and it will make him tyrannize over me still more. The other day I behaved admirably—I was calmness and refused every thing. To-day I lost all my courage. Oh! when I think of his threats, his insolent orders to me, I am amazed to think I should endure it from any man. Thank Heaven he has heard nothing of my being at the Exchange lately. He is to be here at 9 to-morrow morning; and as I shall not sleep to-night; fearing this interview. It makes me shudder to think how

I fear this man. If these interviews with Col. Myers continue, it will be my death. Dear love tell me what to do? Shall I refuse to see him again? Darling you are my all in this world—I cling to you. Tell me, therefore, what course to pursue. Dearest I am almost distressed to death. My heart feels as if it was broken. Here I am with strangers, desolate, alone—in the power of a brute of a man, who takes advantage of me. No one to speak with—no one to sympathize with me—so near the only being on earth who can give me comfort, and yet cannot see him. Oh! darling, I know you pity me? Dearest I think it perhaps safest that I should not go to the Exchange on Friday—you know how I implored you to see me then, therefore you know what a trial 'tis to postpone my only joy in life. I will come at 11 o'clock on Monday. I cannot go in the public parlor, for there is too much risk—but you must get the room I spoke of. Tell Boyden every thing, and he will assist us at the hour I come, 11. Ask him to see that M. is not about the Exchange, and see that the servants are away too, for them I fear. When I leave he can give us notice, that there is no one about, and then I can go when he finds I will not be observed. Dearest I entreat you to do this, for it will be our only plan. Now, darling, as I am so very anxious to know what arrangement he can make, do write me in your note to-morrow what you think we had best do. I am compelled to see you love, for life itself rests upon it. Now dearest as I cannot see you till Monday, I entreat one thing of you, viz: to see me at church Sunday, morning and night. As I have often told you, although I cannot speak with you, yet 'tis such joy just to gaze on thee,—just to have one dear look from thee—you need not have a fear about church, nothing has been said about that, and I have a good joke to tell you, to prove to you that nothing has been said about church in connection with you and me. 'Twill make you laugh. Now dearest don't refuse me this, for it will be a comfort to me in my distress—at one o'clock to-morrow, love, I have thy dear note. Oh! how I will devour every word. Good God! if I only could see you now. Till Monday is an eternity. Oh! how hard is my fate—so near thee dearest, and yet cannot see thee. Good night, love, kiss me sweetly, think of me every night, with my cheek resting on thy dear miniature, loving you with such devotion. To-morrow thy dear note makes me happy, till then, adieu.

Your own VA.

12, Wednesday Night.

MAJOR POLLARD was recalled by the defence.

Some of the letters of Mrs. Myers spoke of her being traduced by a member of her own family, to Hoyt. Maj. Pollard being interrogated on this point by Mr. Scott, said: none of my family, as I believe, ever spoke to Mr. Hoyt on this subject, except my son and my-

self. When Mr. Hoyt asked me, as I stated before, if I knew Mrs. Myers to be an unhappy woman, etc., he added, I think, that he looked upon her as a splendid monument of grief. Again, when Hoyt, asked me if I was aware that the letter intercepted was written in answer to one he received, I told him my daughter had certainly been very indiscreet, and that I attributed her imprudent conduct to the demoralizing publications of the day, the novels of Bulwer and Eugene Sue. Mrs. Myers never, that I heard of, received any unkind treatment from any member of my family. [Mr. Mayo here procured the paper found in Hoyt's bed, which he was required to sign, and interrogated Maj. Pollard as to the hand-writing; he said I think it is that of Col. Sam'l S. Myers. The counsel for the defence admitted the fact.]

J. R. POLLARD recalled by the defence. Interrogated about the letter in which Mrs. Myers speaks of her being calumniated by him to Hoyt, stated; I never had three words with Hoyt before the interview I spoke of yesterday---at that time, he said to me, I had better have seen Mrs. Myers and learned from her how he came to be walking with her on the square, before I wrote him so insulting a letter. I told him that I had frequently spoken to my sister on the subject of her imprudent conduct, and she had attempted to justify herself by speaking of the intimate friendship that existed between them; but, I told him that after seeing his letter. I was not to be imposed on by such statements; he asked me if I thought my sister would tell an untruth; I answered, that I believed, in this instance, she had told me what was not true.

[In this connection, to prove how little Mrs. Myers' complaints of unkind treatment from her husband could he relied on, the defence offered in evidence the following letter.]

Mrs. M. to her husband, written the day after his departure for the North.

RICHMOND, Sept. 8th, 1846.

Oh! dearest Willie, how sadly, how very sadly have I missed you—I really feel this morning almost too gloomy to write; and yet this will tell how fondly I have thought of you since we parted. My darling husband, I do indeed love you very dearly, and could you know every feeling of my heart you would never doubt one so *purely yours*. Yesterday after you left I remained at home until 12 o'clock, arranging the house, and how desolate did all appear to me, so much so that it kept me constantly in tears. I found cousin — very glad to see me, and I am happy to say she appears very kind and affectionate. I shall do every thing in my power to render myself agreeable and useful to her. Yesterday afternoon — and myself took a drive together, and Mrs. — and — came in the evening to see me. All of my acquaintances whom I've seen are very

kind in inviting me to see them. I have promised — to pass a day with her soon and will write you about it. By the bye must not forget to tell you on yesterday morning I received a note from —, asking me to call that afternoon to take herself and Mr. — to drive. Not knowing dear Willie whether you would approve of it, I did not go; for I knew it was some of —'s maneuvering to entrap —. I have just received a letter from mama by Mr. —, he is on his way to the north. Do dear love try and see Mr. — while he is in New York, and invite him to dine with you at the Astor—do this oblige me, for he is a great favorite of mine. I have my darling thus given you an account of my movements since you left, which though but a few hours, appears many days—slowly does the time pass. I really miss you so much, dearest, that I fear I shall not be able to endure three weeks' absence, so don't be angry if you receive a letter saying the time of probation is to be shortened. I hope I shall feel better satisfied after awhile, but now I do feel so lonely and sad. I feel this morning, dearest Willie, as if I would give anything to see you—you don't know, dearest how I want to see you, even though separate but for a day. I was imagining yesterday whether Willie was thinking of me as constantly as I was of him, and last night when I fell asleep, my last thoughts were yours. Indeed, my precious darling, I fear you cannot realize how fondly, how devotedly I am your wife. There are times, dearest, I know when I have been fretful and irritable and said things wrong, very wrong things which I *did not feel*, but which were uttered in the excitement of passion—no sooner have they passed my lips than my heart has reproached me for them, and in silence, have wept to think how I have been misled by anger. But dearest one, I know you will look on these things in their *proper light*; And now my dear Willie, I pray you to forgive me for the many harsh and unkind things I have uttered. Now that I am separated from you it distresses me so much to think of these bitter memories. Dear Willie, I would that you could read my heart, for then you would know how truly and fondly I love you. Yes, dearest Willie, believe me my very heart is yours—its every thought, its every feeling I am and ever shall be faithful and true to you. You deserve this from me darling; for Oh! I feel how kind and good you are to me, and though there have been times when I have appeared to be unmindful of all this yet in my heart there has ever glowed the warmest gratitude. Yes, my darling I do love you, very dearly, and could you know how unceasingly I have thought of you since we parted, you would be convinced of the feelings of my bosom. Dear Willie, now that you are away have not *any* anxious care for me. Be assured, that my every action shall be of the strictest propriety. You may

ave the most perfect confidence in me; for shall not be misplaced. Dearest, you must write to me very often. Think what a comfort your letters will be to me; I shall read them with such pleasure, and they will cheer me dark days of absence. Once more dearest, I say do write often. I fear darling, you can scarcely read this scrawl, but here there is a most lamentable dearth of pen and ink. To-day I shall lay in a supply for myself, so your next letter will be more intelligible. My writing so quickly, dearest Willie, tells you how fondly you are remembered. I shall give you accounts of myself very often, for dearest, 'tis one of my greatest pleasures to write you. Now, for a thousand kisses and good bye, my dear precious husband, with every assurance of devotion and affection, I am unchangeably yours.

VIRGINIA.

WILLIAM R. MYERS.

Astor House, N. Y.

Mr. Mayo stated to the court that Mr. Boyden desired to make some explanations; and additions to, his evidence of yesterday; which he had the right to do. Mr. Boyden then came forward and said:

One day, a servant came to me and told me that there was a lady in the parlor who desired to see me—I went and found Mrs. Myers there—she said, I want to see Mr. Hoyt for a moment, send to him, will you, and let him know that I am here? I did so. Another day, I was putting down a carpet in one of my rooms, and Mr. Hoyt was assisting me to watch it. A servant came and said, there was a lady in the parlor who wanted to see me—I found it was Mrs. Myers; she said, I want to see Mr. Hoyt, won't you let him know that I am here? I replied, he is in a neighboring room, I will tell him. I went back and told Mr. Hoyt that there was a lady in the parlor who wanted to see him, and he went out; but whether he saw Mrs. Myers on either of these occasions, I do not know—moreover, I did not collect when I read the report of Mr. Mosby's testimony, that in speaking of the day that came out of 18, he did say that he allowed her to the front door, and found that it was Mrs. Myers.

Ques. by Mr. Scott. Didn't you state yesterday, that you paid no attention to Mr. Mosby's information, because it was founded on the statement of a negro? Ans. I did. Ques. Didn't you say expressly in answer to question from Mr. Lyons to that effect, that Mr. Mosby did not tell you that he knew it to be Mrs. Myers from his own observation? Ans. I did. Ques. How has your memory been refreshed on this point? Ans. By reading the report of Mr. Mosby's evidence. Ques. But was not your attention called particularly to this point yesterday, and how came you not to think of it then? Ans. I don't know, I told you before I have heard so much that I don't know what I do know. Ques. Didn't you deny yesterday that you

knew of any interviews between Hoyt and Mrs. Myers in the Exchange? Ans. I did. Ques. What refreshed your memory on this point? Ans. I mentioned these circumstances to my counsel who drew my card for me; he omitted them, but on talking to him to-day, he told me that it was proper that I should come into court and state them. Ques. Did not Mr. Lyons expressly ask you yesterday if you knew of any interviews between Mrs. Myers and Mr. Hoyt; and didn't you tell him you did not? Ans. I did. Ques. How do you account for your not making this statement? Ans. I don't know. Mr. Scott very significantly remarked, I have no more questions for that witness.

In answer to questions by Mr. Lyons, Mr. Boyden said: It was in August that these interviews took place; certainly not before I went to the races. I think they happened before I went to Old Point—upon reflection, I think it was after I got back; the last note I ever received under cover for Mr. Hoyt, was on the Thursday of the Petersburg races.

Ques. by Mr. Lyons. Did not these interviews, combined with Mosby's statements and the receipt of the letters under cover, excite any suspicions in your mind? Ans. They did not.

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MAYOR'S COURT, Thursday, Oct. 15.

IRA L. BOWLES, called by the Commonwealth, and sworn, testified—I keep the Tavern at Hanover Court House, about 20 miles from Richmond; don't know Wm. Burr or Wm. Myers; recognized them at the bar. They were both at my house on the 27th day of Sept. Burr arrived alone in a carriage, between 9 and 10 o'clock, A. M. He stayed until half past two: whilst there, he inquired the way to the Junction, and to Taylorsville. He returned between 7 and 8 with Mr. Myers in the carriage with him. They remained about half an hour, and left about 8, as I understood, on their way to Richmond. It is about 10 miles from Hanover Court House to the Junction.

B. F. DERRACOTT, called by the Commonwealth and sworn—I am the captain of the Fredericksburg railroad train. Wm. R. Myers came to the Junction in the cars on the 27th of September, and stopped there. The cars as usual came to Richmond.

Thos. Munford, a very intelligent youth, the son of Col. G. W. Munford, called by the defence, and sworn—I live in the next house to Mr. Myers, and am in the habit of coming home every day from school for my snack, about 12 o'clock; very frequently saw Mr. Hoyt going into Mr. Myer's house at that hour, and coming out about 3, when I returned from school. This continued during the summer, until the 4th of July, when our vacation commenced; think I saw him afterwards during the vacation.

Mr. WM. RUTHERFOORD recalled by the defence—I live near Mr. Myers; my attention

was attracted to Mr. Hoyt's visits to the house, in consequence of the rumors that were afloat; I thought from his mode of proceeding, that he did not wish to be observed. One day when he approached, I was in my yard, and saw him pass. Curious to know what he would do, I went up into the back room of my house, and stationed myself so that I could watch him, without being observed. I saw him pass around Kent's corner, and then go into Mr. Myer's house. Another day I saw him driving rapidly up the street; Mrs. Myers was at the window; as he approached the house, he slackened his pace, and finally stopped and conversed with her. At this time my brother went out of the gate, and Mr. Hoyt, seeming to observe him, suddenly rode on. I called the attention of Col. Munford on one occasion to their manœuvres at the Theatre. He treated it, I thought, cavalierly; being a little mortified at it I spoke to him about it next day, when he said it was dangerous, or imprudent, to talk about such matters. I think Hoyt made visits after the 16th of April, when Myers received the anonymous note.

[Mr. Scott here announced to the Court, that Mr. John M. Patton wished to make a statement merely, not upon oath, as it had nothing to do with the evidence in this cause. Mr. Mayo suggested, that with the most entire confidence in the truth of everything that Mr. Patton would say, it would be more formal and proper that he should be sworn. Mr. Patton was accordingly sworn.] My attention was called this morning to the evidence given in here by one of the witnesses yesterday, in which some things were stated that might not appear altogether creditable to myself. [The Mayor and the Counsel assured Mr. Patton that no such impression had been made on their minds.] Mr. Patton went on with his statement.

When Mr. Boyden called on me to act as his counsel in this matter, I told him that it was unusual and improper for a party who was only a witness in a cause, to have counsel; but when I understood that as an individual his character was suffering in the community from the rumors that were afloat, I advised him to address a card to the public, and I drew it for him. To enable me to do so Mr. Boyden put me in possession, as I supposed, of the facts of the case, as far as he was concerned. Among other things he mentioned to me these two interviews at the Exchange; I told him that it was a very delicate matter to say what facts he might give to the public in his own justification; and what he ought to keep as a witness for the Court; but that these, I thought, ought to be reserved for the trial; they were accordingly omitted in the card; I heard Mr. Boyden give in his testimony, and noticed that he omitted these facts; when he had gotten through, he came to me where I stood, and said, "Did I say too much or too little?" I answered, you said nothing at all

inconsistent with what you told me, but you omitted the statement that I warned you to make; he asked me what he should do? I told him I presumed that it was not important, and perhaps he had better let it rest but reflecting on it, I thought that justice to himself and justice to the accused demanded that Mr. Boyden should make the statement. I therefore told him yesterday that he ought to do so; he asked me how it was to be done and I told him all he had to do was to ask permission of the Court to amend his testimony.

Mr. Wm. Rutherford now proffered an additional statement. He said: I wish to state everything I know, but I do not exactly understand what, under the rule of law, is evidence, and what is not; can I relate a conversation I had with Captain Hunter? The Court said it would not be admissible. [Mr. Mayo then asked Mr. Rutherford if he knew anything of a letter received by Myers or the subject of his wife's conduct?] He answered: After Hoyt was shot, William Myers showed me an anonymous note he had received, the contents of which I believe I can substantially repeat. [Here the counsel for the defence produced a note, which Mr. Rutherford identified as the one to which he alluded. It was in these words:

"Mr. Mires, I want you too look too the conduct of your wife; she sees Mr. Hoyt very often and gets many notes from him. He will be at your house to-day—Do stop him from it or you will be ruined.

I am your friend,

An unfortunate woman."

This note was evidently written in a disguised hand; the superscription which had been torn to pieces, was well written, and well spelt, whilst the note enclosed was illiterate both in style and appearance.

Mr. Rutherford continued: when Myers showed me the note, I told him I thought I knew the author. I imagined that Capt. Hunter wrote it, from what he said to me the day he came over to my yard from Myers' house; but upon mentioning it to him, he told me he was not the author. Myers told me he found the note under the inner door of his office. He was going out at the time; he got upon his horse, rode home, and entered his house through the basement story; went up stairs into the parlor, and found Hoyt with his wife, his gloves on and his hat in his hand; he went into an adjoining room and sent for Mrs. Myers; he showed her the letter, and remonstrated with her upon the impropriety of her conduct. He returned to his factory, leaving Hoyt in the house. In a short time, Hoyt came to the office, and told him that Mrs. Myers had mentioned to him, that he had received a note, charging him with improper attentions to her. Hoyt said it was written by some malicious person, and assured him, his attentions were only the courtesies of a friend, grateful for the kind-

ness with which he had been treated at his house. Myers told him that whether it was or no, his attentions had given rise to rumors, and that they must cease. On this occasion Col. Myers also warned him that his visits must be stopped. He solemnly promised that they should be, and left the office.

[The Counsel for the defence here closed their evidence, and the Attorney for the Commonwealth arose.]

May it please your Honor, said Mr. Mayo, my position is a novel, if not a wholly unprecedented one. I am here only at the bidding of the Court to guard the interests of the Commonwealth, and I do not mean to open my mouth upon the subject of this evidence, unless the Court requests it.

[The Mayor asked if the Counsel for the accused intended to argue the cause? Mr. Mayo replied that it was the intention of the Counsel to ask the Court to separate so much of the prosecution as related to Col. Samuel Myers and Wm. Burr, and they hoped to show that these parties ought to be discharged, without touching the case of Wm. R. Myers. The Mayor then requested the Attorney for the Commonwealth to argue the case, and thereupon Mr. Mayo rose and said:]

It is a most unusual thing for the Commonwealth's Attorney to appear before a committing magistrate, although it is unquestionably sometimes done. In this case, sir, I shall endeavor to do what it is my duty to do everywhere: to conduct this investigation with a single eye to the interests of the Commonwealth and the good of the community. The only question for the Commonwealth here is, have her laws been violated? and the only duty for me to perform is, to see that in conducting this investigation, the proceedings are in conformity with the rules prescribed by the law of the land. Your duty, sir, as one of the judges of the Commonwealth is to preside over this investigation, and pronounce your decision according to the dictates of your judgment. I have brought my books here, that I might show you that what I am going to say is only in strict conformity with the law, and that I do not speak without warrant for what I utter.

You are sitting here to ascertain whether Marvin Hoyt was killed by the accused as charged in the warrant of indictment. If the evidence satisfies you that the killing was done by the accused, and not done in self-defense, you must stop there; the law distinguishes, it is true, between degrees of homicide, but it is not for you as a committing magistrate to make these distinctions. If you are satisfied, not of the probability of guilt, but if the evidence warrants reasonable ground of suspicion, it is your duty to send the party on. But I will not trust to my memory; I will refer to the law books. Hale sets it down as a principle, that if a person is charged on oath with a felony, the examin-

ing magistrate cannot bail or discharge the prisoner, but must commit him. See Hale's Pleas of the Crown, v. 2d, p. 121. But the Inquisition of the Jury, upon which the warrant in this case is founded, and upon which the parties are brought before the Court, must be, in the eyes of every right thinking mind, authority infinitely higher than the oath of any single individual. But I am willing to admit, that this rule of my Lord Hale is, in my opinion, too stringent, and I will proceed to lay down the rule prescribed by Chitty, which is universally acquiesced in.—“If there manifestly appears to be no ground of detention, or if the suspicion is wholly groundless, then the prisoner may be discharged without bail.” See Chitty's Pleas of the Crown, v. 1., p. 4. Now, if your Honor thinks that the parties before the Court come within the limits of this rule, it is your duty to discharge them. In fact, Chitty, p. 89, declares that neither the State nor the accused have the right to appear before the examining magistrate, by counsel, and in truth, sir, both I and my friends on the other side, are only here at all by the courtesy of your Honor. In 1st Va. Cases, Commonwealth vs. Myers, the General Court, have declared that five justices sitting as an examining Court, have no power to discriminate between degrees of homicide; much less can this Court possess any such authority. It would be most monstrous if it did.

I mean at this time to make no comment upon the evidence that has been adduced before you, except such as may be necessary to show that the case of the accused comes within the rules that I have quoted. I will therefore discard, for the present at least, the great bulk of irrelevant, and, with all due deference be it spoken, what I consider illegal testimony, that has been lugged into this cause. I shall therefore discard from my consideration, as unnecessary for my present purpose, the dying declarations of the accused; nor will I, unless I am forced into it by the course of counsel on the other side, defile my hands with the most unpleasant and disgusting testimony, which has been so improperly introduced here in the shape of letters.

What is the testimony? Not being present on the first day, I must be indebted to the reporters for it. [Here Mr. Mayo called for a copy of the Standard, and having obtained it proceeded.] First, in an investigation of this kind, after having established the fact that the act charged has been committed, you must, in searching for the actor, look for a motive. You find it existing sufficiently strong, God knows, in the unfortunate man before you. You find him first appearing in this Commonwealth on the 27th day of September, coming within 20 miles of Richmond in the public conveyance, and there stopping. You next see him in a carriage with another of the accused, who has gone for him, proceeding from the Junction where he got out

of the cars, to Hanover Court House ; and from thence to Richmond. On the morning of the 28th, at the moment the fatal deed was committed, where do you find the accused? Read Pegram's evidence; read Hawes' statement, Crouch's, Schafer's—you find two of the accused going in, and all three of them coming out of Hoyt's office. Whilst in there three pistol shots are heard, and the moment afterwards the unfortunate man is found weltering in his blood. Can you consider this mass of coherent testimony without coming to the conclusion that the accused have committed a felonious homicide? It does not belong to this Court to consider the *degree* of homicide; it is not for you to consider the provocation. If the accused could show you that he had taken this man in the act of adultery, how much soever your sympathies as a man might be enlisted for him, your duty, as a Judge, would forbid you to discharge him. I will, if the Court requires it, point out the distinction between the degrees of homicide; but, considering it wholly unnecessary in this stage of the proceeding, I shall not attempt it unless requested by the Court.

[Here Mr. Mayo took his seat, and Mr. Lyons arose.]

Mr. LYONS—May it please your Honor, I have enjoyed a practice of now some twenty years standing in the Criminal Courts of this Commonwealth, and never in that time has it been my fortune to witness a proceeding so strange, so inconsistent, as that it hath pleased the Commonwealth's Attorney to pursue here to-day. At one moment, he humbly declares that it is only by your courtesy that he appears in this Court at all, and in another he wraps himself in his robe of office, and looks as though it was the officer that adorned the robe, not the robe the officer; he places himself upon a lofty pedestal, far beyond the reach of common mortals, and talks as if nothing so stunk in his nostrils as the Court of a Committing Magistrate.

[Here Mr. Mayo remonstrated, and begged Mr. Lyons not to use such language. Mr. Lyons laughingly said, "it is the language of Shakspeare, I didn't think the gentleman would object to that; I hope he is not offended." I am not offended, said Mr. Mayo, the gentleman at least "never stunk in my nostrils." Mr. Mayo here apparently prepared to leave the Court-room, when Mr. Lyons good humoredly detained him, saying you had better sit still and take it. Mr. Lyons proceeded.]

We are told, sir, that there is much of this testimony with which my honorable friend says he will not soil his hands, unless our course shall force it upon him. He proposes to you to discard such testimony as does not suit his purposes; to take the circumstantial evidence alone; to throw out the dying declarations of Hoyt, which he brought into this Court; to refuse to consider the provocation which led to this act, and to de-

cide upon the guilt or innocence of the accused, upon the evidence that may convict them, without regarding that which may palliate, excuse or *justify* them. I ask you, sitting there as an upright Judge, can you find it in your heart, or your head either, to pursue such a course as this? I will endeavor to show you that my honorable friend too, has, unwittingly no doubt, misstated the law, and in the name of the grievous wronged Lord Hale, I protest, in the face against the doctrine he has ascribed to this great man and eminent judge. He asks you to discard evidence that is here legally evidence that the Commonwealth herself has introduced; he asks you, in the name of the law, to violate the law; he asks you under the semblance of right, to perpetrate wrong; he asks you to consider one part of the evidence, unexplained by the other part. If that Justice which he invoked could find voice, she would cry out trumpet-tongue against this great wrong which is sought to be perpetrated in her name.

[Mr. Mayo here explained; he did not ask the Mayor to discard any of the evidence; only said he would discard the consideration of it in his argument as unnecessary for present purposes. The Mayor remarked "so I understood you, most distinctly." Mr. Lyons proceeded.]

His decling, Sir, to make any comment upon a portion of the evidence, is equivalent to asking you to discard it; because it is the duty of the Commonwealth's Attorney to open for the defence the way to all the testimony; he is bound in his opening argument to put us in possession of his grounds of defence, and let us know upon what evidence the Commonwealth relies to sustain the prosecution; it is the universal rule. My opponent says he appears here as the friend of the Commonwealth *only*, and I must do the justice to say, that his actions do not lie his words. Supposing that the case of Samuel S. Myers and William Burr were free from all difficulty, we proposed to separate them from the other defendant, and would probably have been willing to sustain the case of Wm. R. Myers without comment. But the Attorney would not make this proposition in the spirit in which it was offered, and it now becomes our duty to consider upon the whole case.

You are asked to adjudge each and all of these parties guilty of killing D. M. Hoyt; for the circumstances to which your attention is solely directed, if they prove anything, prove this. The accusation is, that he killed him; the warrant charges that they were all principals, and the evidence is to support the charge, or the accused must be acquitted. Now, sir, consider the exemplary character of these gentlemen, their standing in society, the fact that they were found by the officer sent to arrest them in their usual occupations, and tell me if I

casts a shadow of doubt on your mind, that I did not kill Hoyt? Did Wm. S. Burr shoot or attempt to shoot Hoyt? Did Samuel S. Myers shoot him? They were all three seen to go into Hoyt's office; granted. Who knows what happened there? Were they the only persons there? If they did this act, which did it? How was it done? Coolly and deliberately, or in hot blood, upon sudden provocation there received, or, per chance, in self-defence? Who can say? The Attorney for the Commonwealth cannot judge a step, without looking beyond the circumstantial evidence; he must abandon his ground. I wish most sincerely my excellent friend would abandon that, and every other ground of accusation, and could reconcile it to his sense of duty to say, as I know his generous heart he does say, if they did say him, they slew him rightly, justly, *legally*, and ought to be commended of all men for it. Ask you again if the circumstantial evidence adduced here, is sufficient to warrant the inference of the guilt of these parties. Remember the absence of all proof of provocation, of ill blood, the absence of one of the parties, the respectability of all of them, and tell me if they are guilty. You are asking upon this evidence to say whether young Burr ought to be hung for killing Hoyt. I do not envy the feelings, or the position, of that magistrate who shall be asked, upon that evidence did you consign that young man to a felon's grave. Am I to listen to the monstrous declaration, that that which that magistrate and all good men in their hearts approve, the law condemns? Shall justice send on as a felon him who he in his soul believes has done a worthy act, and no felon?

Look at the circumstantial evidence alone, and all the inferences are against the probability of the truth of this charge, that they killed Hoyt. How are you to discriminate? No, sir, you are compelled for this purpose to take up the dying declarations of Hoyt, and the moment you do that, we have you on the hip. Do that, and we ask no more—we ask nothing of mercy—we triumphantly demand an acquittal, and if the Commonwealth's Attorney were the cold-blooded instrument of justice he represents himself to be, he could not refuse it to us. He must be satisfied that this testimony won't bear examination, else why so anxious to avoid it? Is it too revolting for the gentleman's delicate sense of propriety! revolting as it is, nothing is it more revolting than in this, the last act of this vile victim of debauchery. With him neither the prayer of the father, the brother, nor the husband, prevailed. Not even did the solemn obligations forced from the cowardly heart of the betrayer, serve to restrain him in his vile purposes. He lied while he lived, and he went to the presence of that God, whose name he dared to invoke, with a lie, gross, palpable, and revolting, upon

his lips. And are this wretch and my honored friend who sits beside me, to be held to the same accountability? Are they equally to fill a felon's grave? God forbid!

It cannot be that the Commonwealth's Attorney failed to consider this testimony, that he might lay a trap for us, and when we took up this evidence say, gentlemen I have got cocked and primed for you a rule of law, that forbids you to invalidate evidence, which you have adduced, and upon which you have relied? No, Sir, this is no case for trickery or legal chicanery: the character of the Commonwealth's Attorney forbids the suspicion, and I repudiate it for him. Sir, you are compelled to consider this evidence, and what does it prove? Ask Dr. Carmichael, ask Dr. Mills, ask Evans and a host of others. Burr did not raise his arm; he had no weapon; he withdrew, and was not even seen by Hoyt after the combat commenced. These men are charged as principals. I would draw your attention to the distinction between a principal and an accessory. A principal in the first degree is he who strikes the blow or does the deed; a principal in the second degree is he who accompanies, intending to assist if necessary. Who counsels and advises the illegal act, is an accessory before the fact; and he who aids, succors, or abets the perpetrator after the act is committed, is an accessory after the fact. Remember, that to constitute a principal, even in the second degree, he must be present with the intent to assist if necessary, in accomplishing the felonious deed.

[Mr. MAYO here remarked that if two persons went together, and death ensued, they were both principals in the first degree.]

Mr. LYONS. Ay, but the original scheme must have been concocted between them; if a homicide happen beyond and aside of the original intention, the mere presence of a party does not make him an accessory. I can even show you a case where a party was proved to be present, but took no part to assist or prevent the deed, and the Judge said, this conduct is *strange*, but cannot be regarded as *criminal*. For the distinction between principal and accessory, see 1st "Russell on Crimes," marginal p. 431.

How is it with Mr. Burr? Why, Sir, not even an Indian Thug could be found, who would willingly put the cord around that young man's neck, and take his life. How is it with Samuel Myers? Oh! exclaims the Attorney for the Commonwealth, there is the paper; he wrote the damning paper, that was found in Hoyt's bed. Well, Sir, and what does this prove? Why the very opposite of what my learned friend would have you to infer. Col. Myers comes to the knowledge that his brother's house had been invaded, his bed polluted, and his honor wounded, in his absence from his home. What does he do? He writes for that brother; he waits until he gets here before he breaks to his ear the damning

news that was to wreck his peace forever. The excited husband says, as before my God I think he ought to have said, the power of man shall not save him; the brother says, no, no; stain not thy hand with this wretch's blood; if he will abstain from polluting your house, your bed, spare his life. He listened to the voice of this good, kind, elder brother, and finally consents. He says, he has made me houseless, homeless; but if he will consent to remove his hateful person out of my presence, I will show to him that mercy he never felt for me. To carry out this scheme, they go together; but the husband's blood boiled too fast, and he slew the miscreant as he found him—and would you slay the brother too for this act of kindness? He, who begged and obtained for this wrong doer the boon he so little deserved? I know you would not; if your duty required this at your hands, I know you too well not to know that you would not wear your ermine a single day after it had been polluted by such an act. Because justice is represented allegorically as blind, will you shut your ears to the cry of humanity, of nature, and of right?

You are not to consider the provocation in an examination of this sort! Why, Sir, the law, the English law, tells you, that if you take an adulterer in the act, and slay him on the spot, you are guilty only of manslaughter; and the punishment is, to be burnt in the hand with an iron so cold that it will not make an impression. But suppose you are away, across the seas, in England, or in France, and a howling blast comes across the waters, telling you that your home has been desecrated your fireside made tenantless, and she whose image is engraved upon your heart, has been degraded and polluted; and you hasten back, maddened with the damning thought of all your wrongs, and meet the slayer of your peace in a month, ay in a year afterwards, and kill him, is not the case the same? Is the law a mockery, or is it a sound rule of right and wrong, rewarding the one and punishing the other? If, as the Attorney for the Commonwealth tells you, you are to look for the cause, are you not to look to the degree of provocation, to see how far, and to whom it extends? This provocation appertains to my unhappy client, alone, except so far as it extends to a numerous and most respectable host of friends, who, in part at least, are doomed to share the indignity that has been put on him.

Take it, that he did doom him to the dog's death that such a man was only entitled to, how came he to do the act? He had treated this man as his friend, invited him to his house, he had warmed the serpent in his bosom, and step by step, stealthily and cautiously, the fiend proceeded in the work of destruction and of desolation, until circumstances betrayed in part to the injured husband the plot that was thickening against his peace. He received an anonymous communication that attracted his attention. How like a gen-

tleman did he bear himself? He sought his wife; he showed her the note; he gave her honor in her charge, and returned, confidingly trusting in the fidelity of that heart, where he had garnered up the wealth of his affection. The hypocrite informed of the contents of the note by his guilty paramour, seeks the accus at his office; protests his innocence, and promises to discontinue those attentions, which even if innocent, had obtained for the object of them a most unenviable notoriety. Did he keep the promise? The very next day he broke it. Ah! but he was seduced! Of the revolting acts that this tale of horror and of crime discloses, the lowest, the meanest, the most cowardly, is the last deed of this villain; seducer; that by which he deliberately retained the proofs furnished him by his deluded victim of her unhappy passion. He not only keeps them for the purpose of shielding himself, under the pretext that he was the seducer, not the seduced; but he coolly marks and dates them, that they may be the readier to proclaim *her shame and his innocence*. I winds his toils round the heart of his infatuated victim; he gained over her, as she emphatically said, such power as man never had over woman; and he used it for what purpose? That he might toy with her as a wanton, make her the scape-goat of his offence. 'Twas had enough to skulk and crawl in the house of his friend and debase his wife; it was had enough to lie as he did, and violate the most solemn promises; but, really, is it possible to add another shade to the dark character, this mean, unmanly, and ungrateful act, will fix it there; and this he did after he had so played upon her trusting, womanly heart, as to induce her to burn every vestige of his guilt that she could command.

Not content with violating the house of husband, he pursued his victim to the sanctuary of the home of her childhood's purity; he sought her in her father's house. And her father, what did he do? with a forbearance which I can admire, but could not imitate, instead of slaying him on the spot, as before my God I would have done, is content to take his promise. Did he keep it? Twelve months after, he violated the pledge, which not the grey hairs of that venerable man, not the supplications of the father praying for the preservation of the honor of his child, drew from his better feelings, but which the alternate violence extorted from his coward heart. He is warned again, and again he promises, and the next day he is detected in the repetition of the very act which he had so solemnly abjured. And the public, the fashionable hotel of your city, was the brothel that afforded them the place, while the tavern-keeper was the panderer for the base deed; who thus paved the way for his own disgrace, and for most for yours and mine, sir, inasmuch as you live in the same town with him.

If you meet a man on your steps invading the sanctuary of your chamber, and you find

to him, my wife is there; that room is consecrated to me alone; and he answers, I will not top, my passions are too hot; if you slay him, it is not in self-defence? And was not this the case here? Did not my poor friend go to this man, and say, my house, which is my castle, you have invaded, and my bed has not been sacred to you; there is no faith in your promises; but still go away; let me breathe an atmosphere untainted by your presence? But he laughs him to scorn, and it may be, strokes his beard at him. Excited to madness, he says him, and would you punish him for it? If man puts a public indignity upon you; if he kills you by the nose, the law says, kill him; if he goes, night after night, creeping, crouching, crawling to your nuptial couch, and you slay him, we are told that you commit a felonious homicide. I say he does a noble deed, which if he had omitted, the negroes in the streets would have turned up their noses at him. No woman can ever look with favor upon the cowardly wretch who could put up with such an indignity, for she seeks the protecting arms of man, that he may shield, guard, and if necessary, avenge her virtue. And, sir, it ought to be written in our statute books, as it is inscribed upon the hearts of the community, that this deed was honorable in its inception, and righteous in its execution.

[Mr. Lyons having taken his seat, Mr. ROBERT G. SCOTT, on the part of the accused, rose and said:]

I feel no surprise, may it please your honor, much less regret, at the deep interest manifested by one and all—the young, the old, and the middle-aged, in this interesting trial. It is a case, sir, that comes home to the bosom and the heart of every just and rightly thinking mind. It is only with great effort that I can subdue my feelings whenever I approach it, so as to discuss as they should be discussed, any questions of law. I have labored in this cause more than any in which I have been engaged for thirty years, and the great difficulty I have had to encounter is so, to chasten and subdue my feelings, as to enable me to do justice to the case. If I had not tiredly succeeded in the effort, I must have been more or less than man. No, sir, I have not been able to subdue my heart to the dictates of my head; I have given up the task of despair, and I come to the argument laboring under all the disadvantages of having my judgment perpetually blinded by my feelings. I have looked at this cause as husband, father, citizen; and in every relation in which I have viewed it, I have been able to bring my mind to only one conclusion, and that is, that we must obtain a judgment of acquittal: my honored friends—one and all of them. Looking on *you* [turning to the accused,] whom I have known from your boyhood up; *you*, whose father was my friend; *you*, the elder, who have been yourself my friend for many years, as Judge or jurymen, I would

say, you are, each of you, innocent in the eye of God and man.

I have not the vanity to suppose that I have been either gifted by nature with sufficient talents, or that those talents have been sufficiently cultivated, to enable me to do full justice to this important cause. I have often wished that it had been entrusted to other and abler counsel; and yet, the way to truth is so open, so plain, that even in my humble hands, I feel, as a necessary result of the strength of your cause, that each of you must be discharged from this prosecution.

What have we been asked to do by the Attorney for the Commonwealth? To cut this cause in two—to divide the evidence in halves. No, sir, we will take it altogether, and we will see what is the charge and what the ground. Wm. R. Myers is charged with having murdered D. Marvin Hoyt, and the other two with aiding and assisting in the perpetration of the deed. They are here under the *warrant*, and those are the words. It is therefore most appropriate, most just, to ascertain the law, and then apply the facts. The law I take to be this: If two or more persons unite together to do a felonious deed, whatever is done in pursuance of that agreement, is the act of all; participators must share a common fate. But if in the pursuance of one object, collateral matter shall spring up, and a felony shall be committed by one, the others are not guilty of the felony, and must be discharged. See 1st "Russell on Crimes," marginal p. 25: same book, *The King vs. White and Richardson*, 398. See also *English Crown Cases*, 98; do. 100. You may take Hale himself as your guide, and you will find if two or more go on a felony, if some new act springs up from one party, the others are not participators. I know that my friend can adduce a case, and he will probably refer to it, where several men agreed to rob a house; and in pursuance of their object, a murder was committed by one of them; all were held to be guilty as participators. But this was upon the ground that there was a common agreement between them to get the goods, and that this agreement covered all risks that were to be encountered in the hazard of the enterprise.

You tell me, sir, that we are here by favor, not by right; I tell *you* we are here by the laws and constitution of Virginia, which secures to every man the right of trial, and to be heard before he is condemned. Talk to me of Hale, and Hawkins, and Chitty! I scorn and scoff at you, and with the constitution of Virginia in my hand, I will ride over them rough shod, and leave not a vestige of them behind. Something has been said here about sending a party on for probable cause; now sir, [addressing himself all this time to the Commonwealth's Attorney,] I will read Chitty for your instruction—it can hardly be necessary for the Mayor's. See Chitty on Crimes, p. 89. Now, sir, is there

"probable cause" to think that two of these parties, at least, are guilty of the crime with which they stand charged? We will meet them without the testimony of Hoyt. What is the evidence? Mr. Mayo says you must prove that hostility existed between the accused and the deceased. Who proves that hostility existed between Samuel S. Myers or William Burr, and the deceased? They were seen to enter the office of Hoyt in company with Wm. R. Myers. Were they the only persons in that office? Who proves it? Why was this cause adjourned from day to day, whilst you had this whole mass of circumstantial evidence before you, except upon the ground that, as the case then stood, the Commonwealth could not bring the charge of guilt home to these parties? What was the connecting link that was so much wanting, for which she waited from day to day, but the testimony of Hoyt? The paper? It was found in the room of Hoyt; but who testifies as to how it was introduced? Isn't this a mere matter of inference? Who spilt the fatal blood? Where is the witness to testify? But the Commonwealth, to supply these omissions, has brought here the dying declarations of Hoyt. Let us look at the case in this aspect. What do these declarations prove? For the present, I will deal with them as though they were true. What did these peace-makers, my two friends upon my right? They went to the room of this man; they said, go hence; leave us; sign this treaty of peace--this stipulation for quiet. He refused. What did Col. Myers? From that moment neither he nor Burr took any farther part. Did these parties go to Hoyt's room for an illegal purpose? Was it illegal to go there to get him to sign that paper? No, honored and respected man, [turning to the accused,] no, true and constant friend, no, true and affectionate brother, you went for an *honorable* purpose—to save life if it could be done consistently with the preservation of honor. You are peace-makers, not shedders of human blood. As I am a man, I hesitate not to declare that you acted with a patience and forbearance that find no parallel in the history of human wrongs. As their sworn judge, I would say to them, go hence, act, always prompted by such motives; do always such deeds, and you will violate neither the laws of the country nor of God. But the Commonwealth's Attorney now turns his back upon this testimony. It won't do in a court of justice, and so the law declares, to permit a party to make the experiment, and see how far the evidence will bear him out, and then, if it does not suit his purposes, turn round and reprobate it.

We have it in proof that the brother traced the dark and betraying footsteps of the man that has died; he detected this desolating intrigue. With a patience and forbearance that is so strongly characterised in the evidence of Dr. Cabell, he sought his erring sis-

ter-in-law, and remonstrated with her. He had before him the intercepted letters; he had the damning proof that this man had debased the wife of his brother. With all this conclusive evidence, he entertained no bloody purpose; he sought no opportunity of revenge, and when he finds his brother stung to madness by the recital of his wrongs, swearing revenge upon the worker of them, with a calmness and a generosity unheard of, he says, spare him, spare him! If he will take hence his baneful presence, if he will leave the place of your residence unpolluted by his person, let him go. Lives there the individual, who will not say, kind brother, just and forbearing man! Burr took no part but to supplicate, to entreat, to advise. Public opinion said he, is against you; sign this paper and go hence. And yet you are asked to declare that these men who sought to avoid the shedding of blood, are guilty of spilling blood. Is it indeed the law of the country in which we live, that these men, who go to make peace, are to fill a felon's grave, and lay by the side of the guilty man, who drew upon his own head the just and lawful penalty of his crimes? Even if they did accompany this injured man to witness execution upon the wrong-doer, they have been engaged in a righteous and honorable deed; and I stand prepared to justify them under the laws of the land.

It is in proof that the deceased began at an early period of his unobserved intrigue to wend his way to the heart of the young beautiful, and accomplished wife of one of the parties. He sought by playing upon the jealousy and vanity of the young wife, to estrange her from her kind and loving husband; he lulled her with the song of the charmer; he entwined her with the folds of the serpent—and when he had won her young and trusting heart; when she came at his whistle and obeyed his call, he made her his plaything and entertained for her no more respect, than for any other wanton in the streets of Richmond. The approaches of the seducer did not escape the observation of such men as Col. Munford, or William Rutherford; but they prudently forbore even to discuss the fearful subject, and hoped for the best. Others too had already seen the storm that was brewing over the head of my devoted friend. In April last, he was admonished "take care of your wife."—What does he do? With the trustingness of confiding love, he placed the warning in the hands of her who held his honor, with a gentle admonition to guard against the appearance of imprudence. The information was immediately conveyed by the treacherous wife to her paramour. He seeks the man he has already wronged, and protests his innocence; he told, "I will guard the reputation of my wife as my most precious jewel; it is not enough that she be innocent; she must be unsuspected; and your attentions which have led to

his anonymous note, must be stopped." He pledges his honour as a man that they shall be. And how are these pledges kept? They are unhesitatingly violated on the succeeding day. Take the evidence of the very intelligent son of Col. Munford, and you find him visiting the house every day from 12 to 3. The house of God, that holy place, where he would have thought awe, if not religion, might have restrained them, was not free from the evidences of their profane intercourse. Col. Munford tells you, that he saw them exchanging their lewd glances and signals within the portals of the church itself.—Pursuing her thus until the month of June, he followed her to her father's house, and hesitated not, so reckless had he become, to trust the public post with his unhallowed missal. The father intercepts it. He reads ; "my love," "my darling," "I have promised to make you happy," are some of the expressions which brought to this old man's mind the conviction of his daughter's shame. He finds the man whom he believes is still seeking to seduce his not innocent, but most prudent daughter. Yes, my old friend, I know you too well, not to know, that had you imagined the guilty act was consummated, you would have immolated the scoundrel ; he stood, and offered up his worthless corpse as an atoning sacrifice to your wounded affections.

He sees the peril of his child ; that child whom he had borne in his arms ; whose tottering footsteps he had supported ; whose girlhood had been his solace ; whose womanhood had been his pride ; he sees his own peace wrecked ; the bosom of his wife torn with anguish ; what does he ? If that hour should ever come on me, which God, in his mercy, avert, I think I would try and so to chasten my heart, and subdue my spirit, as to make my own, this model of a father's conduct.—This honourable, strong minded man braced himself up to the trial ; he kept the secret of his child's dishonor in his own bosom ; he sought the libertine (I am sorry, Sir, to be compelled to speak thus of a dead man, and nothing but the astonishing turpitude of his conduct could induce me to do it)—he sought him, and he, venerable in years, humbled himself before this degraded wretch ; he prayed him to save his child. "Make her not wanton," said he ; "tempt her not to vice ; bring not down my grey hairs with sorrow to the grave." Son of man ! did ever father make a stronger appeal? Even he could not resist it ; he promised, and made the promise out to break it. Upon the faith of that promise, the husband returns to console his wretched wife. The brother comes ; the first thing he sees, is this fiend with his victim in his toils upon the public square. With the young and hot blood coursing through his veins, I wonder that he did not smite the dishonorer of his house as he found him engaged in his work of destruction. There is thought

much to palliate his forbearance. He seeks him openly and boldly ; there is no stealth here. He says, "beware ! you have been already warned ; approach my sister again ; and you shall feel a brother's vengeance." The liar tells him, "I have the highest respect for your sister and there is nothing improper between us." Again he lies—morning, noon, and night, he lies, lies, *lies !* his life is nothing but a tissue of lies. He tells Major Pollard that his daughter is a much abused and unhappy wife. Mark now the stern justice of this father, which is in keeping with the Roman fortitude and Spartan integrity that he has displayed upon this trial. How does he answer this insidious attempt to operate upon his paternal feelings, to the disparagement of an honorable friend ? He says, "my child is in the wrong ; and if she is unhappy, it is her own fault." With what relentless malice this man pursued my unhappy client. He had already stolen the affections of the simple wife, and now he tries to alienate the father and the son.

On the 8th of August he made the promise to the brother, and three days afterwards, on the 11th, Mosby tells you he saw this deluded, unhappy woman looked up with this man in No. 18 in the Exchange Hotel in the city of Richmond. Does the man live who has witnessed such reckless depravity? Deluding the wife, betraying the friend, deceiving the father and the son, almost with the same breath, and at the same moment.

Observe the perfect confirmation of Mosby's testimony that one of these letters affords. He says he tried the doors of No. 18—he found them closed—he suspected something—he followed her—it was Mrs. Myers—he returned to the passage, and there he saw the *truth telling, honorable, virtuous*, Mr. Hoyt, according to one of the obituaries of the day, making his escape through a back window of the apartment. If I wanted confirmation, Sir, of this statement, the commonwealth furnishes it to me in the letter read here, that was found amongst the papers of Hoyt. It is from Mrs. Myers to him, and she says, I am afraid that I left 18 at an unpropitious moment. There were persons in the opposite room ; Mosby stated that he was in 19. She speaks of the door having been tried twice ; Mosby said he tried to open the door twice. She says, I hope you didn't come out of the same door—and Mosby told you, that he saw him creeping out through the back window. Is there any man who doubts, who can doubt Mosby's most important testimony, confirmed as it is by this letter, the existence of which was unknown to him until it was read here? This happened when the tavern-keeper was away. Remember that the principal hotel of your city has been used as the house of prostitution. On the 15th, Boyden returned ; he is told of it, but the meek and Joseph like Mr. Boyden is so pure himself, that he cannot believe it, and turns a deaf ear to the scandal.

ous tale. This is Mr. Boyden's statement on Monday. He wouldn't believe this story, because it was derived by Mosby from a negro. But on Wednesday he comes here, and makes an appendix to his testimony, and the Mr. Boyden of Monday, is no more like the Mr. Boyden of Wednesday, than day is like to night. On Wednesday, he comes and says, that Mosby told him, not that he had it from a servant, but that he himself had followed the female to the door, and found it to be Mrs. Myers. He would'nt believe the *servant*; he dares not say he wouldn't believe *Mosby*. How now does he account for his indifference to the character of his house? Mr. Lyons, who possesses a talent for that kind of work which I have never seen excelled, in his cross-examination of Monday, took pretty good care of my friend Mr. Boyden. He felt that he was in for it, and on Wednesday he came for the purpose of trying to scuffle out; but the result has only been to sink him deeper in. Mr. Lyons used Mr. Boyden up on Monday, and what was left of him was pretty well used up by Mr. Boyden himself on Wednesday. On Monday, he recollected nothing of any interviews between Hoyt and Mrs. Myers. On Wednesday, he remembers two, and is mindful of the most minute particulars accompanying them, even to the making of a carpet. I do hope that a sentiment is fast growing up in this community, which while it will not touch a hair of his head, will shorten the reign of the Great Frederick in the house over which he presides with so much dignity and such a *spirit of accommodation*.

But let us trace this guilty pair. Their meetings become more frequent—sometimes in 18 sometimes in 41—the husband is gone, the sentinel is removed, and the hotel is kindly thrown open to them. The husband returns. We are told he had time for reflection, time for the blood to *cool*. Great God! did not every moment of reflection on the mighty wrong he had suffered, serve only to *heat* the blood, and kindle his wrath against the workers of his dishonor? He is at length persuaded to approach his enemy with mercy on his brow. His peace offering is received with scorn and contempt. He is betrayed and then laughed at; he is scorned and defied. And as far as provocation is concerned, is not this an even *stronger* case, than that of the man taken in the act of adultery? Does the law demand the blood of him who punishes the violation of his nuptial couch? I do not believe it. *He* is not worthy to be the husband of a virtuous woman, who would not have slain the spoiler on the spot.

Give me a jury of Virginians—any jury of men who have hearts to feel—European or Hindoo, Pagan, Christian, or Mahomedan, Jew or Gentile, and I will acquit the unfortunate actor in this scene of retributive justice. Let a man feel himself wronged in that point, that nature and education tend to

make nicer than any other, and if the steel does, not go to the heart of the wrong doer. it is because he is a coward, and a coward never yet was worthy of the love of a virtuous woman. Why, sir, if a man violates your bed what are you to do? Go to the law. Ha! ha! ha! Prosecute him for a misdemeanor! The *law* will let him off with a fine of twenty dollars and a gentle admonition to behave better for the future. Oh yes; apply to the law for redress, and have the finger of scorn pointed at you as you go along the streets; the contempt of women and the laughing stock of men. If a man lays hands upon you and robs you of a ninepence, the law says *kill him*; but if he robs you of your wife, wait till the court sits, and they'll fine him twenty dollars—one half only of which, by the way, goes to the informer.

Hoyt lingered twelve days—calm, ever *facetious*; the servants of God attended him and ministered to his spiritual wants. He protested *his* innocence and *hers*, and at that very moment where were those letters that have been read in this court? Locked up in his desk, marked and labelled, ready to prove, when the anticipated day came, that *he* was *innocent* and that *she* was *guilty*—that *he* had been wooed and won by *her*. This was the crowning act in a life of infamy and of crime. She sacrificed every thing—wealth, station, character, all for him; and he, scoundrel like, left these testimonials of her guilt to be paraded to the world; and this after he had written to her, "destroy my letters," and she, woman like, had done it, in her own eloquent language, "confidingly, trustingly."

He protested his innocence, but he couldn't hold out, *this man of nerve*. Conscience began to thunder in his ear; God cried, guilty or not guilty, and the appalled wretch confesses to that pious man, William Norwood that although he had not proceeded to the last act of guilt and shame, he had done enough to call down the husband's vengeance on his head. Yes, sir; the grave gives up its dead—the shrouded corpse enters the portals of this court, takes his place on the witness stand, and tells you, I have maddened this man by a series of wrongs—I have stolen from him his most precious jewel, and he was justifiable in the act that he committed. The *dead man* bears testimony, and yet the Commonwealth's attorney won't believe him; and I am told that for this act that the sufferer himself justified, the law condemns my client, and the brother, and the friend, to a felon's grave. I am the father of sons, and if the grave that these men are to fill is stigmatised by that name, there is no death that I so covet for them as that by which they may fill a felon's grave.

After Mr. Scott had taken his seat, the Commonwealth's Attorney arose, and addressed a few forcible and pertinent remarks to the Court. He begged the Mayor to consider his

position and that of the Court. He was standing there in the very novel attitude of a representative of the Commonwealth before a committing magistrate; and that, at the request of the Court. Evidence had been admitted in this cause against his solemn and repeated protest, under the decision of his honor, to which he must necessarily bow, but all the testimony should be heard to be tested, and separated afterwards. Under these circumstances it was that he was called to answer the arguments and passionate appeals of the opposite counsel, many of which were based upon this illegal evidence. When this cause came, as unhappily it must come, before a higher tribunal, he would then appear in the position which his office assigned him, and then he hoped that by the enforcement of the legal rules of evidence, this incongruous mass of testimony, would be reduced to a tangible and palpable form. Mr. Mayo begged the Mayor to remember that he was only sitting as a committing magistrate, whose duty it was, simply to discharge, if the individual arrested was entirely free from suspicion. This he contended to be the whole object which the law had in view in the institution of this proceeding; not that the committing magistrate should decide upon the guilt of the accused, but simply to ascertain there was sufficient ground of suspicion to commit the Commonwealth to a trial. To prove the truth of this position, he referred to "Dickinson's Justice," and several other authorities already cited in the course of the examination. That ground for suspicion existed in this case, there could not be a shadow of doubt; and that it extended to *all* the parties, was equally certain. The Court had been asked to separate the case of Burr and Samuel S. Myers from that of Wm. R. Myers. The first two at least, it is said, have been engaged in no unlawful act. Was it not an unlawful act, he asked, to go to Hoyt's room to force him to sign a paper of any sort, much less such a one as that exhibited in this Court? Will you not infer a conspiracy from this co-operation in this most unlawful proceeding? If peace was intended why did not Burr go alone? Why did not Samuel S. Myers go alone? So far from being *less* guilty in the eye of the law, these two men were the *more* condemnable, for they at least pleaded the provocation that might be pleaded by the other party.

Mr. Mayo denied that he had requested the Court to discard the dying declarations of Hoyt; he had only declined to consider them himself, because they were unnecessary to establish the only point that this Court had any right to consider, the degree of suspicion attached to these parties. Feeling fully competent to make out a case for the Commonwealth without the evidence of Hoyt, he was careful to abstain from opening the way for the unmeasured denunciations that he knew were ready to be heaped upon this unfortu-

nate man. God forbid that he should stand there the justifier of Hoyt; but the man was in his grave now, and he did think that in some respects injustice had been done to his memory. He hoped that the public, to whom the chief part of the really eloquent speeches of the prisoners' counsel had been addressed, would not be misled by their assertions of what constituted the law of the land. He hoped at a proper time, and in a proper place, to show that these principles were false; that the law did not permit an excited individual to redress his own wrongs, and to reek his hands in the blood of a citizen, whenever he might think that he had sufficient provocation for doing so. Even the killing an adulterer caught in the act, is not, in the eye of the law, a *justifiable* homicide; and the degree of provocation which will reduce murder to manslaughter, is for a jury to determine; the province of *this* Court is simply to inquire whether a homicide has been committed, and whether such a degree of suspicion rests upon the prisoners at the bar, as to justify their being sent on for trial by a higher tribunal.

For the venerable father, Mr. Mayo said, who appeared in this court, bowed down with a weight of grief, that happily it seldom falls to the lot of man to endure, he entertained the most heartfelt sympathy; as indeed he did for the prisoners themselves, who were all his neighbors and friends; but that no consideration of sympathy or of friendship could restrain him in the discharge of his duty; and that duty imperatively demanded that he should ask that the accused be sent on for farther trial.

This closed the arguments of counsel, and the Mayor in a few moments pronounced his decision in the following words.

I am called upon to discharge the most painful duty of my official life; and if I could separate the man from the officer, I would say, that the opinions of the last thirty years of my life, lead me to sympathise deeply with the parties before me, with one of them (alluding to Col. Myers,) I have been on terms of intimacy for years, and during this investigation, I have heard nothing but that which has heightened my admiration of his character. Of the others I know less; but if the injury which has been inflicted upon one of them, had been inflicted on me, once a husband and now a father, if I know myself, I believe I would have done as he has. But as an officer, the stern decree of the law forbids my investigating the justifying circumstances of this case, and in obedience to its dictates, I send the accused before a higher tribunal.

The counsel for the prisoners then asked that they might be admitted to bail, in the highest penalty that the court should see fit to impose; they grounded their request upon the peculiar hardship that confinement in jail imposed upon two of the prisoners; they were the sole partners in a very extensive

business which must suffer severely in their absence ; whereby others and innocent parties with whom they had heavy transactions, might be made to suffer in their business relations. They contended that the question of bail was one, that, even in the highest grade of offences, was left to the discretion of the Judge.

The Mayor replied, that he knew he could exercise the *power*, but he did not think that under the circumstances he had the *right* to bail the parties ; and they were accordingly remanded to await their trial before a court

of magistrates, called for the 21st of October 1846.

The law of Virginia provides, that after the committal of a prisoner for the commission of a felony, a court, consisting of at least five magistrates, shall be called to sit in not less than five nor more than ten days ; whose province it shall be to examine into the case, and either acquit the accused or send him on to trial before a jury, at the next Superior Court, which sits only twice a year. An acquittal by the called court of magistrates is *final*.

APPENDIX.

The following letters, together with the one dated "Alta Vista, June 17," were found amongst the papers of Mr. Hoyt, and were offered in evidence upon the part of the Commonwealth. They have been arranged as near as possible in the order in which they were written, although, being generally without date, it has been necessary sometimes to guess at the period of their reception.

No. 1.

[This appears from the contents to have been the first letter addressed by Mrs. Myers to Hoyt. This and the two following are supposed to refer to a very intimate acquaintance with whom Mrs. Myers was in the habit of corresponding, who was also an intimate friend of Hoyt.]

WEDNESDAY, Dec. 3, 1845.

I trust you will pardon the liberty I take in writing you, and the still greater liberty of begging the favor of you to call here to-morrow at 1 o'clock. I am most anxious to see you, on a matter of the utmost importance to myself—a subject which you can *readily imagine*, and if it were possible for me to explain myself by writing, I should do so, and thus spare you the necessity of seeing me in person ; for I fear *this* necessity may be an unpleasant one to you. I know you will have some scruples as to my request, but I appeal to your kindness of heart, and I know the appeal will not be in vain. If you will be so kind as to call at one o'clock to-morrow, you will find me alone, and I will tell you, in a few words, the circumstances which it is so necessary for me to confide to you. May I beg the kindness of you to forgive me for this note, for I have hesitated to send it, fearing you might blame me for so doing ; yet, when you know the cause, I am assured you will pardon me. What I have written is strictly confidential, and *knowing* your high, noble sense of honor, I need say no

more. Although I have not the pleasure of your acquaintance, yet, believe me, I am one of your warmest and most sincere friends, for I can *never forget* the *kindness* you have shown me, and only hope at some future day it may be in my power to return them. I send this by my brother. Of course he is ignorant of its contents, and I send it by him as I am afraid to trust it to one of my own servants. He is under the impression I am acquainted with you, and therefore gladly obliges me by delivering this to you. Again I beg your forgiveness, and assure you I am always your friend.

VIRGINIA M——.

No. 2.

MONDAY, Dec. 8, 1845.

Much to my regret, to-day is so very inclement, that I shall not have the pleasure of seeing you, as I expected ; but to-morrow shall go with Miss C—— to Moran's room where I shall hope to meet you. You were so kind as to promise to direct and mail a letter for me, therefore, may I beg the goodness of you to call here at 1 o'clock on Wednesday, when I will give it to you, and I shall wish to see you relative to it. Of course after we are introduced, you can call without exciting suspicion. I trust you will not think me imposing on your goodness by making this request, and you will pardon me for the liberty I take in addressing you this note. Believe me, I should not feel justified in doing, were I not assured that in your high noble sense of honor I can place the utmost confidence. I can never find words to express to you the gratitude I owe you, and the exalted admiration I must ever hold you in for you have shown to me a friendship I shall ever prize, and which nothing on earth could ever cause me to forget. I fear sometimes have increased your condemnation in a certain matter, but I can assure you that we are acquainted with all the circumstance

could I tell you the many trials and sorrows to which I have been subjected, how uncared-for, unappreciated I am; could I explain all to you, I do know, instead of blaming me, your feelings would be sincerest sympathy for me—pity for me, so wronged, and yet so purely innocent. But why should I intrude on you my feelings? forgive me the intrusion, but always believe me most gratefully yours.
VIRGINIA M—.

Knowing I should have no opportunity of speaking with you, to ask you to call for my letter, I have been compelled to trouble you with this, and fearing to send it by a servant, I send it through the post office, thinking it safest. Again I beg your pardon for my intrusion. V.

You see I have not directed this letter myself, at least to ALL APPEARANCES I HAVE NOT, but appearances are sometimes deceptive.

No. 3.

FRIDAY, Dec. 12, 1845.

From your note, I find you were mistaken, regarding the information I wished to obtain. I wanted to know the time it required for a letter to reach here from Detroit; for on reading my friend's letter more carefully, I find he will write from Detroit, and I imagine you understood me as wishing to know the time from Chicago. Could you let me know the number of days from Detroit, for I am anxious to ascertain as accurately as possible, for I must be at home the *day after* the letter arrives according to our agreement. Were it not that this was important, I would not trouble you again, but I think you may forgive me for so doing. After you left the other day, I feared you might have thought I did wrong in speaking to you so freely and unreservedly, but really I felt so sad and dispirited, that it was a relief to me to speak with you on a subject which I would not even breathe to another person, for I feel that none would understand the purity of my feelings; the perfect propriety of every action. But to you, I felt I might speak with all confidence, for in your noble and generous heart I knew all would be appreciated, and was I not right in thus believing? Yes, I feel that on *this* subject, I might always repose every confidence in you, that I may speak to you, candidly and freely, for I know with you I will find kindness and sympathy. Others may blame me, denounce me, but *you* I think never will, for you know *all*, and you cannot blame me—and moreover, I wished your advice in a certain matter, and there was no one to whom I could go, save yourself, for you have extended to me kindness, when I had no claim on you. Pray forgive me, if I take a liberty in addressing you, as a dear friend, for believe me, 'tis a privilege I prize most highly, and one I hope you will never deprive me of. You must not forget your

promise to come and see me, for if you do not come, I shall not be as I now am.

Your very best and warmest friend,

VIRGINIA M—.

Should a letter come for me on the 25th or 26th, of course keep it, on those days *I shall not be alone*.

No. 4.

DEC. 31st, 1845.

May I beg your acceptance of the accompanying gage d'amitie? 'Tis indeed a trifle—yet I pray you receive it, coming from a heart which you have drawn so strongly towards you by a kindness and sympathy never to be forgotten—a heart whose every feeling has been confided to you with an unreserve, a trust, I could never repose in any save your own noble and generous bosom, and may I not, my best of friends, ask you to prize it as a memento of one whose hours of darkness and sadness you have brightened by your words of goodness, of kindness—one who will remember you with feelings of the deepest gratitude; feelings as fond, as enduring as those I would bear my own brother, for with you, my dearest friend, I feel the same unreservedness, the same freedom of intercourse as if you stood in that relation towards me.

Praying you may at least not reject my offering, I now tender you many greetings of the New Year. With me, 'tis fraught with sadness, for you know the future has *no* hope for me, dark and drear, nothing to illumine its desolateness, yet I pray you may always be happy, the sky of your destiny ever remain, as it now is, unclouded and bright. This shall, I assure you, be my most earnest and heartfelt wish. Always receive me, as I am, your warmest, your very best friend,

VIRGINIA.

No. 5.

[The following is without date, but is probably the next in order.]

My dearest and best friend, now don't scold me for what I am going to write you. This morning I received a note from the *lady* with whom I am to go visiting, saying if convenient to me she would prefer my going on Monday instead of Tuesday as we had intended. Now, *mon cher amie*, won't you come Tuesday? because if you cannot come that day, I will excuse myself to her; for on no account on *earth*, would I lose the pleasure of seeing you. But you will come won't you? I had anticipated so much delight, on seeing you Monday, that I cannot now bear to give up this happiness, and I *will not* unless you promise *certainly* to come Tuesday. This postponement of *one day* seems very, very long to me, and I do hope it may seem so to you; for that would be gratifying indeed; hence mind come, dear friend, on Tuesday, and we (at least I) will be so agreeable and happy—won't we? All Monday, I

shall be thinking of the pleasure of seeing you, and I hope time *may* pass quickly till our meeting. Don't laugh at this note, for I have written it just from my heart, and as it is for your own *partial* eyes (I hope so) I won't beg your pardon but just tell you I am just the same towards you as an own *sister*, am I not? Do come, if you don't, how I will scold you.

No. 6.

I cannot keep your servant waiting for my answer, though I feel, dearest, as if I could write you for hours. Thank you belovedone, for your precious words, I have just read, and kissed it, oh! you know how fervently. Come dearest on Monday at 12 o'clock, instead of 1 o'clock, as I first wrote you. I feel so miserable, that it is no enjoyment for me to go to the Theatre; yet, dearest, I will go to-morrow night, if only to rest my eyes on your dear face, and with one glance tell you how wholly I love you. Do not come in our box till about the middle of the Ballet and then you can remain till the close. But do *not* go to the carriage with me. Adieu, dearest, only time to say yours forever.

No. 7.

[The following was probably written in the month of April.]

Now, dearest, please tell me what I shall do? If I remain, I expect I shall have to go with —, for his whole family seemed determined on it, and Mr. M. is particularly anxious. I know not what to make of it—I only know I have a horror or dread of him, and traveling under his protection is awful to me. Then I prefer staying at a boarding house to Mrs. —'s, but there I should be thrown with persons I care nothing about, and then I should be dependent on young men, on going out, entirely, and there are some, I know, would take advantage of it, being friends of Mr. Myers. There are objections to remaining; and yet, dearest, I cannot leave you, and if you will not go with me I must remain; but if I remain I may be compelled to go with —. Do, dearest love, tell me what I shall do—for you know, darling, my happiness consists in obeying your very wish—and this is what I call devoted love. Only think, dearest, and tell me what to do. I feel so weak, so badly, that I fear I could not undergo the fatigue of traveling; and then I think of staying here all the time—but again, I have a motive in going to New York, which I cannot relinquish. What to do I do not know. Do advise me, dearest, for I must determine now in a few days. I have invitations from —'s family to remain with them, but these invitations I care not to accept; however, I am grateful for them, for they show me that there are some here who consider me more worthy of their acquaintance than does the *standard of propriety*—Doctor Carmichael

and daughter. They at least think me worthy of being an inmate of their household. But darling forgive me—I have uttered words unfitting for me; I forgot how desolate I am, and how utterly unworthy the lowest of God's creatures. I forgot my unworthiness.—There are those who love me, and tell me I am all pure, all angelic. They would fain make me believe I was a very angel, so high do I stand in their estimation; but I pray God always to keep me thus low and humbled, and that I never may forget how desolate, how lonely I am in this world. I once too had pride, but alas! my God! it has been withered, crushed forever. Dearest, I will tell you something if you promise not to be angry with me. I heard last night of a scene between you and —. The last night — was in town, you see, it was observed, as the person who told me overheard the conversation. She was wishing for something it was impossible for her to get. On her departure, you instantly said, "Do allow me the exquisite happiness of procuring it for you, and I will send it to you; and may I not write you?—'twill be such happiness for me to write to one who has elicited from me feelings I never before experienced?" She consented—you got a card and took her address. Now, dearest, remember, I don't say one word. Think what your feelings would be to hear this of me. Mine are the very same as yours would be. This person said to me, evidently for the purpose of seeing what effect it would have: "Could you have seen the tenderness and devotion of his manner, you would have agreed with me he was desperately in love; but then she is so rich—we none of us could resist." I replied, "If you think this of Mr. Hoyt, you do not know him, for I am sure he loves her for herself alone, and thinks not once of her wealth. He has too much nobleness of feeling for this." Of course I was to be bantered about taking your part so warmly. What my feelings were they could not see, but you know well, dearest, what they were, and it is but natural I should have these feelings—you would have the very same. Dearest, part of this letter has been written in tears; they are holy ones, shed for you. Read this letter, dearest, ere you retire to-night; also one particular one I wrote you while — was here. You may remember it, for it was written in the despair of love, when I was so wretched that life itself was almost taken. Will you read it, just ere you retire? I ask it as an especial request. Dearest, will it not prompt you to send me a kind note to-morrow? Dear love, write me exactly as you feel, and then it will make me either happy or miserable. With you it rests. At 1 o'clock to-morrow. Does not this deserve a long reply. Will you ever have patience to read this volume? Oh, yes! for 'tis from a loving, true, pure heart.

No. 8.

[The following is supposed to be the letter Mrs. Myers referred to in the above, and which she so strongly insisted on Hoyt's reading before he retired for the night:]

SATURDAY, 5 o'clock.

My God! my God! what am I not suffering? Agony, yes, tenfold agony. May I not still call you *DEAR, dearest love*? for, oh, you are so in the fullest meaning of these words. Yes, dear one, I must speak with you now openly, freely; for, oh, I can no longer endure the agonizing suspense, this torturing anxiety. If there should be one word here to give you pain, oh, my darling one, forgive, for you know not the withering anguish which is consuming my inmost soul. Rather, beloved than give you *one pang*, I would *sooner die*. Therefore, dearest, remember this, and pardon a poor, forsaken, heart-broken woman. Darling of my very life, I now kneel to you. I entreat you, in the name of mercy, to be candid with me. Oh, deceive me not, as I now stand on the very *brink of perdition*. Tell me, I implore you, tell me, are your feelings changed towards me? From your remark and conduct this morning, I inferred *this*—that you felt your feelings had undergone a change. You almost feared the effect this intelligence might have on me, and you *could not find it in your heart to inflict this wound*. Oh, dearest, let not these feelings deter you from acting towards me *candidly*. Deceive me not. I appreciate, dear one, your kind, noble heart, which prompts you to act thus. This, too, proves to me your true nobleness of character, which I have always known you to possess. But, dear love, I cannot remain in this state of bitter, awful suspense. Oh, could you know the very anguish I am now enduring, you would at least pity me, poor wretch as I am. Dearest, this is a subject I *cannot speak* on, and therefore I write. Oh, my God, loved one, let me not remain long in this state of agony, or else I am *lost forever*. Fear not to tell me, dear one, for when *ALL* have deserted me, God will take me to himself. Think not, dearest, I will complain, or reproach you. No! no! I cannot—I will not. Dear one, 'tis my fate to be desolate, and, oh, my God, help me ere I perish. It is not strange, dear, that you should change towards me. No! no! for I am too poor and desolate for any one to love—much less a being like thine own dear self. No one, *no one* loves me. *EVERY* one in this wide world has forsaken me, and then, oh, dear one, how can I blame you for changing? No! no! dearest, I blame you not. Dear one, I only pray to God that he will shew you how I love you. I have no power to do so. But, darling, won't you sometimes think of me? Think of all I have suffered, and at least I may know I have thy *pity*. *That* will be one sweet drop in the bitter cup of sorrow which I have drained to the very dregs.—Have I done nothing, suffered nothing, aban-

doned nothing for thee? Oh God, I have given up the whole world for thee. I have loved thee till I can nought else beside thee. I have no other God but *thee*. To none but thee have I bowed down and worshipped. Thy bosom is mine altar, and now I offer up myself a sacrifice to thee. Oh God, dearest, I love thee—love thee—madly love thee. Thou hast drank my heart dry of all love—thou art more to me than earth or heaven. They have given me but life, thou gavest me *love*. Yes, when I was all alone in this world, miserable, wretched, thou, dear angel, came to me. Thou bid'st me live, and, oh, when thou told'st me of love, then, *then* was this being made new. I lived, as it were, in a world of joy, of bliss. Yes, dearest, the few brief months I have known thee I have been happier than I ever dreamed it was possible to be; for what greater happiness is there than thy love? Oh, dearest, I can never—*never* forget all your kindness to me. When I was wretched, forsaken, you were the dear one who made me happy. You taught me to love life, for you made that life a heaven. Forget it? no! not e'en in death. Dearest, when I have so often asked you if you loved me, it was not because I doubted thee, but those very words from thy lips, 'I love thee,' gave me such feelings of rapture; for I cannot know too often of my bliss. This, darling, made me so often say, "Love, do you love me?" But, dearest, why dwell on these moments, the memory of which almost drives me mad? Now, dearest, once more I appeal to you in the name of heaven, if you have changed towards me—tell me *frankly*, freely. I had rather be relieved of this awful suspense and die, for there in the grave, at least, is peace. Think not, dearest, I will blame you for deserting a poor being as utterly unhappy. If you are still mine own, my beloved, oh, say so, and you bring to this heart the very joy of heaven. Good night, love. My God, what a night of agony is before me. But I will lie awake, and pray heaven *not* to take you from me, and *that* will give me some relief.

SUNDAY, 6 o'clock.

God of mercy, give me strength to write you what I have this day heard. Now all is explained, and now I understand why you made those remarks to me on Saturday—remarks which rent my heart in twain. To-day I have heard all. I have not time to write fully, for I have but a moment's leisure. A friend called to see me, and I saw from his manner and conversation he had something to say particularly. Immediately he introduced you—and think, my God! what were my feelings, when he told me the following: He says, there has been at the Exchange a certain lady, by name Miss ———, whom you were introduced to and took at first a desperate fancy to. After a few days this fancy ripened into love, and ere she left you offered her your heart and hand. While she

was at the Exchange, your attentions to her were so marked as to be the subject of general remark. You shut up your office the whole morning, and sate with her till dinner was announced. The evening and night the same devoted attention—every moment by her side. You first made your feelings known to her by presenting her with a flower. All the circumstances were detailed to me most minutely. You requested her permission to write to her while she would be in New York, and when she returns to Louisiana she will again be at the Exchange. All this I heard, partly from a friend, and partly by a letter. The letter told me every circumstance, which I received yesterday, last night, but did not believe it, inasmuch as I knew not who the writer was. But this morning it was confirmed by a friend, who told me almost all that was contained in the letter. Now I have told you all. Ask your own heart if you have been faithful to me. I blame you not for preferring a woman of beauty, rank and wealth to a poor, miserable wretch, who had nothing to offer you save a devoted heart. No! not one reproach! But this I must say: Think how I have acted towards all gentlemen. Loving you as I do, I could not do otherwise. While you were breathing to her “protestations of love,” (this letter says) I was here weeping, suffering agony. While there you were, I was begging for one word to save me, and yet you had no time to write. You could not shut up your office one day to see me, but to see her you could do it for “five days in succession.” But enough! enough! I will not utter one reproach. But could you read the letter, and hear the words I this day heard, you would not blame me. From whom the letter came I know not—it commences by saying he, as a friend of mine, considers it his duty to tell me how I have been deceived in you. He then relates to me all your attentions to Miss ———, and your proposal, and much more which I cannot now repeat; for, alas! I have no heart to write. Miserable as I am, I shall have the sweet consciousness of knowing you are happy. Oh! that she may love you as I love you. Then you must be happy. I pray God you may both be perfectly happy. My last and only wish is that you will sometimes think of her who gave up all the world for you. I can write no more. You can well imagine the sufferings of this heart. As it will be necessary for me to see you once more, may I not ask you to see me on Tuesday at 12 o'clock? What that awful letter told me, and what I heard to-day, has driven my senses from me. But, oh God, I do not complain. It makes him happy, and life—yes, this life, shall be sacrificed freely for him. Oh, that you might have known how I loved you! Then you could not have given me up for another. My God, what misery! but no! he is happy—I won't complain. May God make them both happy, even though the thought kills me. I will

freely die to make him happy. My God, I can scarce realize what love is mine.

No. 9.

[The following is without date, but is endorsed in pencil mark, “Rec'd April 25th.”]

FRIDAY MORNING.

Dearest one, I can never, *never* thank you enough for your last kind, sweet letter. Oh! it is the dearest, most precious letter that you ever wrote me. I do love you so much for sending me those dear words. I clasp them to my bosom—I bless you again and again, for making me so happy. Oh! my beloved one, I do think you are the dearest, kindest, sweetest being on the earth, and I do love you more than all the world. Why tell you this, dear one? for you will not believe me. You say, *I have loved so often*, and you always seem to doubt *the truth* of this heart's devotion. Loved one, promise me just to listen to a few words I am going to say to you. Dearest, I do believe there never was a woman had such feelings as I have for you. I believe my love for you is more powerful, more absorbing, than ever existed in a human breast. *Dearest, I love you better than my own soul; I love you better than Heaven: Good God! I love you till my heart has but one feeling*—that of glorious, beautiful passionate love. I speak truly, my cherished one, when I now swear to you, that I have never had a feeling for a human being *like that I have for you*. Be it love, idolatry, adoration, of one thing I am sure, that I never felt for another what I do for you. I may have believed I loved others; but, good God! what were those emotions compared to what I now feel. Then it was a calm, quiet, sober feeling, *indifferent I may say*—now 'tis raging like a storm in my heart—such *burning, passionate, glowing enthusiasm*—such strength, that I am overpowered; it flashes like an electric shock through my soul. Oh! God! it deranges me. *If this is not love*, what, in the name of heaven, is it? Now, how can I believe, for one moment, that *I ever loved before*? for I never in my whole life had such feelings as I now have. What passion it was I felt before, I know not; but that I feel now, is Love—Yes! love in its purity, its strength, in its deep, unutterable adoration. Oh! dearest, if you could but read this heart, you would know I never loved before. Dear one, do you still doubt me? Oh! no! no! you cannot; only think of all I have done to show you my affection; think of EVERY action, and, dearest, *how can you doubt me?* Oh! *mine own, my only one!* I now, in the presence of my God, swear to you I have never loved a creature on earth as I do you. *Never, NEVER*, dearest, has my heart been given to another, and I now will make a holy, sacred promise, and you must never, for one instant, doubt the faith, the perfect love, which prompts this vow: I swear to you, loved one, from this hour I am *wholly, en-*

tirely yours—not even *one thought* shall be given to another ; every atom, every mite of love glowing in this bosom is yours, and *only yours*. My life, from this day, shall be exclusively devoted to you—the object of every thing, *action, word* shall be to make me *more and more worthy of thee*. I shall act in all things as I know you would wish me to act in all things were we united in the sight of man ; for I can never forget that I am your wife, *save in the empty ceremony*—for our affection unites us close, oh ! *how close*. *Never shall living man touch* these lips which I have consecrated to you ; they are sacredly yours. You have imprinted on them the holy, true kiss of affection, and never, never shall they be polluted by the touch of other than thine own precious lips. This form has been encircled by thy fond arm, and never shall it *FEEL* the embrace of another. This hand has been clasped in thine own dear one, and never shall it *ever* be touched by others. Yes ! dearest, I swear to you mine heart is as true, as pure to you as an angel's ; and my whole person too, is now *sacredly yours* ! I now call God to witness this vow, which I take in the sight of Heaven, and oh ! may he grant that when death takes me from you, beloved one, I may be *as I now am, your own, yes, your pure, spotless, innocent Virginia*.

Good-bye, love, till to-morrow, when I will talk with you again. I will seal all I have promised you with a dear kiss. Shall it not be two ? Yes ! I say. How strange it is, I never loved to kiss any one, save you, precious darling.

SATURDAY MORNING.

I know not why it is, but I feel sad this morning. I have been thinking all night of the bitter word farewell, which I must soon breathe to you. Oh ! sweetest, what will become of me in that sad hour ! I pray God to support me then, for without his support I *must die*. Oh ! dear love, it makes me so miserable, I cannot bear to think of it. Oh ! that I could remain here, dearly loved one. You do not know how I suffer. Only imagine, darling, that I have to separate from one much dearer to me than mine own life. Oh ! is not this separation worse than death, and I shall not see that dear face for so long, *perhaps never again*. Dearest I know not why it is, but I feel as if I should never return home—never meet thee again. Oh ! God, can this fate be mine. Oh ! have mercy on me, and spare me at least this agony. Would that I could see you each day till the sad moment of our adieu. This would be a relief, *but it cannot be*. Oh ! dearest, what, in the name of heaven, have I done to deserve so bitter a destiny as mine ? —loving one to perfect idolatry, and yet not permitted to be always near him. Oh ! dear, dearest one, I cannot write this morning, I feel so sad, so dispirited. You know not my feelings, but would to God you might know

them. Soon, dearest of my soul, we meet ; then one glance from those dear eyes will make me feel so happy. Yes, I shall be happy with you, but, alas ! when away from you, *how utterly miserable* ! Dear one, farewell ; one sweet kiss your Virginia gives you—remember they are given to *none save her own devoted love*.

No. 10.

[Was a letter written from the Astor House in New York, in which Mrs. Myers hints at a subject, in connection with a consultation with Dr. Gray, of so dubious and delicate a nature, as to make it unfit for publication. It was written in April or May.]

No. 11.

[Date unknown.]

WEDNESDAY.

Dear darling, how awfully, bitterly disappointed I am again to-day. Oh, dearest, I feel as if I should die this day. My God ! I am dying to see you. Dear, dearest one, won't you write me this morning. Yes, sweet one, I know you will. Every word will comfort me so sweetly. Darling you made me happy, last evening, by telling me you still loved me. Oh ! could you know the joy those dear words give me, you would not blame me for so often saying, "Dearest, do you love me ?" As I have told you before, 'tis not that I doubt you, beloved, that I ask the question. 'Tis only the delight of hearing you say, "Yes, I do love you." After I left you, yesterday, dear one, I repeated to myself those magic words of thine, and oh ! what feelings of bliss did they not create in this bosom ! Dear, dearest angel, so long as you love me I am *perfectly happy*. Think of this, mine angel, and never, *never* take from me this precious treasure. Oh God ! mine own worshipped one, *how* I do love you. In *that hateful letter*, he says "what will you give him next ?—your very soul ?" Yes, loved one, my very soul is yours,—all, *all is yours*. I love you to perfection, idolatry, *utter adoration*. Yes, I love you to distraction itself.

Dear, dearest darling, I entreat you never, *NEVER* spurn a heart so devoted as mine. Oh ! mine angel, no one *can* love you as your poor Virginia. She loves you, *loves you, loves you*. How faint these words to express the utter devotion of this heart. Dear, dearest one, shall I not soon have a dear, kind note ? Oh ? yes, yes. Tell me, dear darling, you are *faithfully* mine, and *then* you have done what *Heaven cannot do for me*—you make me *happy*. Your sweet, precious note has been pressed to these fond lips. Oh, my God, beloved, why say you are miserable when I love you better than *my own soul*. Doubt you dearest ?—No ! *My actions prove to you* I do not. Think, my dear angel, of all I feel for you and then you know I do not doubt you. *I swear to you I do not doubt*

you. Kiss me, mine own love, and tell me you know *I never can doubt you*. Oh! dearest, you are so kind to me, my heart is full of gratitude to thee, and oh God! how *overflowing with love*. To-morrow, dearest, you shall see I doubt you not. As I am so anxious to see you, I am coming at half past 11 o'clock. May I, love?—Please say yes, for I am dying to see you, sweet one. Oh, dear, dearest, if you could read this *heart*, how you would love your Virginia—one so worthy of you—worthy only in one respect—that of deepest devotion.

I may ride this evening, and now, darling, one request; if you love me, grant it. Just let me have *one kind look*, for, believe me, that look will be heaven to me; it will enable me to support the sad hours till we meet. Dearest, you do not know what I have suffered lately. I am telling you, literally, the truth when I say for the last three nights I have not slept two hours, and since Monday morning I have not tasted a morsel of food. But, dearest, now I trust these terrible, awful sufferings, are over, for now I know you still love me; and *now I am happy*, and, dearest, won't you be happy too? for, loved one, when you are miserable, I am so too. Therefore, sweet darling, kiss me, and say, you will be happy. To-morrow when we meet, won't you meet me with a smile and *then*, then I shall be *so happy*.

I shall come to-morrow if it rains torrents. I cannot be disappointed again of my own dear kiss.

THURSDAY.

Separated from you, my own dearest love, my only happiness, is to think of you, every moment, and write all these dear thoughts. Darling, I do feel sad, *sad*, to-day; for the last hour, I have been all alone weeping—yes! weeping over a fate as dark, as gloomy as mine—oh! dear one, you do not know *all*, I have to make me wretched, dearest, only see how I am situated in this world—bound *forever*, to a man who does not hesitate to tell me, he cares nothing for me, treated alas! *my God only knows how cruelly*. The affection of my father, mother, all my family alienated from me—living in this unhappiness, nay wretchedness, and yet not *one hope* in the future—I can look for no relief, save that of death—each hour liable to be turned from this *my only hope* and cast on the world a perfect *outcast*—oh dearest was ever woman so lost, so wretched. Ah! beloved could you see me, in these moments when I suffer so deeply, ah! how you would pity me. Dear, dear love, my destiny is a dark and drear one, yet in thee, my own one, I have such a haven, how can I complain. 'Tis in these moments of sorrow, that I long for thee to lay my head on thy bosom, and let thee breath away, the cloud from my soul. Dearest, is it not strange, that thy voice, thy very presence, can tranquilize my mind, when 'tis almost breaking, and how heavenly 'tis to feel thy strengthening and protecting spirit

over me. Oh, dear, dear love, what power you have over this poor heart of mine—I am yours so entirely, you can make me *just what you will*.

"I would not quit one thought of thee,
Nor bid my dreams of joy take wing;
I would not from thy spell be free,
For all the treasures earth can bring."

Oh! mine own, own one, do I not love thee, deeply, *purely*,—yes, dearest, mine own dearest, always love thee. Others may give you other inducements and can offer you far richer attractions, for darling I am a poor, desolate, forsaken, creature and all I can give you sweet one, is a pure, true heart. A heart rich in all the treasures of affection, a heart overflowing with love, idolatry for *thee and only thee*, mine angel, will you reject this? Oh No! Love, dear love, tell me again and again. *No! no!* oh! dearest oh! how beautiful is the affection existing between us—oh! how heavenly to love, as we love, so purely, so fondly—how *divine* is this love of ours. I clasp it to my own, as my *all*, and God grant I may always have it in this close embrace.

Dear darling, precious one, on Saturday at 12 o'clock I am in paradise once—"Till I meet you *there* beloved idol, farewell.

THURSDAY EVENING.

Dearest, only one word to say, I am going to ride on horseback to-morrow evening, now about sunset, remember to look for *thy*

VIRGINIA.

Directed to Mr. Hoyt, Exchange Hotel.

No. 12.

[The following without date is supposed to have been written, about the first of June.]

2 O'CLOCK.

Language cannot express to you, mine own dear love, the feelings of this distracted bosom at this moment. I have just returned home, disappointed at not seeing you. I had promised—to go with her this morning to make some calls, but after receiving the intelligence of your illness, I felt too miserable to be with a single soul. *Nothing* induced me to leave the house, but the sweet hope of being with you, even were it but for a moment. With this hope, I went to the Exchange. Good God! what were my feelings, as I entered the parlour and found you *not* there. In that short time was *felt the misery of years*. Your dear note was there handed me, and oh! loved one, I felt as if my heart would break, when I read those words telling me of the pain, the agony you were suffering, and that you were not able to see me. My God! "did ever mortal" feel as I did *then*. I can give you no idea of the throbbings of this poor heart; I was alone, and it was most fortunate, for the tears rushed to my eyes, and I felt as if I had no strength to move. It was impossible, dearest, for me to remain out; I was suffering too much to control my feelings; I returned home, dear love, and here in the quiet of my own room, I am sending

you these words, which will not, cannot convey to you the anguish of this poor lacerated bosom. Oh! dearest, I feel as if I should go mad when I reflect, that perhaps I may not see you ere I leave—yes, dearest, I feel it is FOREVER; something tells me we are to part forever. Good God! can it be so? or is it a foolish presentiment? Dearest one, did I know that we should never meet again, I would not hesitate one instant—no! I would die by mine own hand; for oh! love, you know life has nought for me without thy precious self. Dearest idol, I do pray Heaven we may not be severed eternally; no, no! the very reflection pierces my soul, wrings my heart with anguish, and yet I cannot drive this fear from me; it seems as if 'twas a warning; it haunts me by day, and every night I dream the fearful dream that *once separated, we never meet again*. Oh! love, love, that I could chase this frightful thought away, for it has preyed on my mind so much, that it has rendered me perfectly wretched. Oh! dear, loved one, I cannot leave without impressing on those precious lips the seal of undying, eternal love. Oh! dearest, to leave without one word from thee, is impossible—I cannot,—and yet I have no resource left me. The command is given and go I *must*. Dear darling, oh! I pray God you are now better; yes, dearest, since I read your note this morning, I have often knelt and prayed Heaven for one so dear to me, one I love better than life itself. Sweet one, I am interrupted by Mr. M.'s return; but to-night shall write again.

THURSDAY NIGHT 1-2 past 1 o'clock.

At this late hour, mine own dearest, behold me writing you. Every soul, save myself, is asleep; no rest for me: I am far too miserable to sleep. Oh! dear, dearest one, does not all this tell you of the devotion, the adoration of this poor heart of mine. My God! never, never was there such love before. I retired, dear one, but finding I could not sleep stole out of bed, and now, if you could but see me, darling, sitting here, all alone in the deep silence of night, tracing these words, oh! would you, could you ever doubt the truth of my perfect affection. Oh! dearest one, what misery to think you are now ill, suffering, and your own dear one, away from you. Oh! God, would that I could be beside you this moment, what joy, what happiness; it crazes me to think of it. Oh! that thy dear head was now resting on this bosom; thy precious hand clasped in mine, and oh! God, that I might now press those sweet lips to mine. Dear love, you know not how I long to be near you, now that you are suffering; now, were I permitted, I might prove to you my tender, entire love. Oh! how I would love to nurse you; how I would delight to minister to every want, and I should be so jealous of the dear pleasure, that not one thing should you receive from another. These hands should give you all; yes, *all* you wish. Oh!

how sweet 'twould be to sit and watch every change in thy dear face, and anticipate and read there every wish ere it was expressed. Oh! that I could now fly to you, press you to my heart, encircle you in the arms of tenderness and love; to have thy dear head resting on this arm, and soothe you to sleep with the words of sweet love, and then, while you slept, to bend over you, watch over you, pray for you, to kiss those dear lips, while you would be so unconscious of all, to take thy dear hand and hold it close in mine, to entwine these arms around thy dear neck, and feel that I then held in my embrace all that I loved, all I adored; oh! this would be bliss, yes, bliss unspeakable; the very idea of such happiness thrills the inmost fibres of my soul. But no, it cannot be. Oh! agonizing reflection; you, mine own adored, idolized, being now on a bed of sickness and pain, and I cannot be beside you; I, who love you to such desperation; I, who now would rush through even the pains of Death to be near you, and yet I cannot. Oh! believe me; am I not right, when I say there never has existed in all this world, so wretched a poor creature as myself.—What have I on this earth to make me happy,—nothing save thy dear love—nothing save thy own precious self, and loving you till every feeling of this bosom is absorbed in the one burning passion. With *all this*, we are separated, divided, perhaps eternally; but oh! God, it cannot be; I will not believe that two beings so indissolubly united by the purest affection, should be severed for ever. Dear love, when I write, or even think on this subject, it almost kills me, and this night I am almost too miserable for existence. I feel this instant I could welcome death; so perfectly wretched am I. I fear I shall be ill to-morrow, for I cannot close my eyes in sleep; all I can pray is, that God will have mercy on my soul, for 'tis a bleeding, torn one. Good-night, love, would that I were now watching by thy dear side; then I should be so happy that I would never wish to sleep, for to sit and nurse you, mine own dearest, would be sweeter than all the rest and sleep I could have.

FRIDAY, 11 o'clock.

Again this morning, behold me writing you. Dear one, I am so miserable I can do nothing but write. Oh loved one, that I could know how you are now. I pray from my soul that you are better—well. Oh dearest one, would that I could be ill instead of you! Would that I might bear every pain—take from you every suffering. Oh how *cheerfully* would I do it, for it would be such happiness to think I was suffering instead of you. Dear love, I have never had these feelings before. My God! do they not speak to you of *worship—idolatry*? I am in a perfect state of excitement, till I receive your letter. Nothing can picture to you my anxiety. I am almost beside myself. Oh that dear letter!—may it tell me you are

better, and thus send one feeling of happiness to a broken heart. Now dearest one, I have another, and the strongest proof to give you of my love. Yesterday, when I read your last note, saying you would not be able to come *here* on Saturday, I *resolved*, by some means, to defer my departure for a few days, hoping by that delay I should be able to have one dear meeting in this room, consecrated by so many happy associations with thy dear self, mine own love. I cannot bid you adieu anywhere save here, for I have so much to say to you, that I long for a few hours of perfect seclusion and privacy. This morning I entreated Mr. M—— only to wait till Wednesday, for I really felt too sick to leave home on Monday. At first he positively refused, saying I should go on that day. Dear love, it was a great struggle to my own pride, to beg and entreat a man thus, who treats me thus *ernelly*. But oh dearest! what would I not do to see you once more. He at length told me there was but one condition on which he would remain. He would stay until Wednesday, if I promised what he asked. Good God! When he named the condition, my blood was chilled in my veins—for a moment I could not speak. Oh dearest! it is a most frightful, awful condition to me, and to yield, is like yielding up all my woman's pride—all my delicacy. You can imagine the promise, dearest. I cannot write it. Dear love! Though I shuddered at such a proposal, I promised it, even though to perform it will be like death—for, dearest, I knew if I left Monday, I might not see you but once—perhaps not at all. If I remained, I would see you. This and this only decided me—for oh, mine own one! I would give up all on earth to see you. Loved one, if I could tell you the condition, then you would indeed prize the love which prompted me to yield feelings which you know are yours, and yours only. Now, dearest one, shall I not see you many times ere I leave? and will we not have one parting here? Oh, this will recompense me for all I have done; and God knows how much it is. Dear one, you say, will not I come to you to-morrow? Yes, sweet one, that I will, and I would walk so long as I had strength to do so, just for one kind word from those dear lips, I would not be willing for you to come to me to-morrow—for, dear one, I would not have you suffer any fatigue—any exertion. No, not for worlds; and dear one, I fear you thought me unkind yesterday, in asking you to come to the parlor. I knew it was wrong; but, dearest one, forgive me—I knew not what I asked. I was perfectly out of my senses when I wrote you—for love, misery, all, have nearly taken my reason from me. Dearest one, I read your note—it will either send misery or gladness to the heart of your devoted ———. Your note has indeed sent misery to my heart. God only knows now what will become of me. I cannot write,

dearest. All I can say, is to beg, to entreat you to see me to-morrow. I ask it in the name of mercy—in the name of love. I shall be there at precisely half past 12 o'clock; and oh! God grant that we may meet. Not strength for one word more—miserable past experience.

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No. 13.

[This letter it will be perceived, was written by Mrs. Myers whilst she was staying at her father's in Nelson. It followed immediately the one from the same place, introduced in the body of the testimony.]

ALTA VISTA, June 16.

I wrote you, mine own dearest one, by the last mail, and in that letter, I begged you to send me a long one in return. Since that I have thought over the matter deliberately, and fearing there may be risk in receiving your dear letter, I now write you, my darling, to say you had best not write at all. You, dearest one, who knows how devotedly I love you, know full well what a trial this has been to me, for I had anticipated, with such happiness, the arrival of your precious letter, and now to be disappointed. Ah! mine own one believe me, it has been a great struggle; but I only hope it will result for our future pleasure. There would be such danger, dearest, for it might fall in other hands, and did I receive it I would be questioned closely as to whom it came from; there are a thousand risks to run, which I didn't think of for the moment; but since I have reflected and conversed with ——— on the subject, I have come to the conclusion you must not write me here.

When we meet, darling, I will explain some things to you, which I cannot well put on paper, and then you will see the necessity of my acting in this manner, for, dearest love, nothing but *necessity* should debar me from the beloved pleasure of reading your dear letter. Oh! sweet one, your letter would have made me so happy, and cheered me so much in this absence. Alas! how hard it is to say you must *not* write, for now, separated from you, I am so utterly wretched, miserable, forever fearing you do not love me. Oh! that I could receive *one* assurance of affection from you. What joy would it not bring to my poor heart. But, mine angel, I will always believe you love me. When I for an instant think you may change, my very bosom is rent with agony. Oh! could you see me in those moments of fear and doubt, you, dear one, would pity me, for words cannot tell how I suffer. To know all the agony I then endure, you must see the bitter tears coursing my cheek, feel the convulsive throbbings of my heart. I know not why it is, dearest, but since I parted from you, I have been *tormented* by these fears. They have kept me from sleep, they have actually made me too wretched for life, and I have *never* suffered so much as I have since I last bade

you adieu; and the reason is, I am so afraid, dear one, you will cease to love me. My God, were this to be my fate, what in the name of Heaven would become of me. I shudder at the thought of such a thing. Oh! dear love, again and again, remember my life is in your hands, and spare me, darling dol, who loves you to such perfect adoration that the power of language cannot express it. Oh! dear one, I fear I shall die if I am not soon restored to you. You cannot conceive all I have suffered and still suffer. I am so miserable that I cannot conceal my feelings, and at times so overcome that I am compelled to rush to my room, and there in silence and tears, pray God for strength to support me. My only hope is to be with you on Tuesday, the 30th of this month. I hope to remain at the Exchange the first night of our arrival, and as we shall not go to our house till the morning following, perhaps that night I may be able to say a few words to you alone. You must remain in the parlor, and we may have an opportunity—if not, we may be so fortunate as to have one in the morning before I go home. However, 'tis doubtful, as we may remain and accompany me—however, dear love, I trust, I hope to be with you *alone*, or I shall really go crazy, if I do not. We must do every thing in our power to accomplish it. You must be at tea, the evening of our arrival, for I shall be so anxious, fearing these may have been intercepted, and you not received them, so dearest love, I beg you, if you have received them, wear the dear ring of love on your *right hand*, and by this manner I shall know *all*. On the evening of our arrival if Mr. — should go to some other hotel, instead of the Exchange, do dear one, the next morning (Wednesday) send your servant to my house with a note, charging him to deliver it to no one save myself. However, this, I hope, will not be necessary, or I think we shall go to the Exchange.

Fearing, my dear love, we may have no opportunity of speaking alone, I shall write you a note, telling you what day I am coming to the Exchange to meet you, and this note I shall contrive to give you as soon as I see you. Now, love, just one request: I want you to write me a dear, long letter, and you too can give it me when we meet, and it will be such a comfort to me, during the sad days that must elapse from my arrival in Richmond, to the time I can come to you at the Exchange. You can, in some way, slip it in my hands, so as to be unobserved by any one. Do, dear love—won't you? Oh, yes, I know you will. Let it be a long, long letter. Try and write a letter every day, and remember what happiness every word will give your devoted Virginia. Tell me, dearest one, you love me, and that will make me the happiest of created beings. Ah! dear love, would that I now might throw myself in your arms and tell you how I love you. When we meet I have a great deal to tell you. I have spoken

freely to my mother of my situation, and have much to say to you. Now dearest, sweetest one, till our happy re-union, FAREWELL. I love you, love you, and you ALONE. "*Kiss me sweet*," and press me to your bosom, as I am

Your pure, spotless, devoted

VIRGINIA.

If you should have written to me, dearest, ere you receive this, in some way get it out of the Post Office, for I cannot receive a letter from you here. 'Tis impossible, without running the greatest risk and danger. Have for me a dear, long, kind letter, sweet darling, when we meet, and oh! how I will love you for it.

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No. 14.

[The following appears from Mr. Hoyt's endorsement to have been received "Friday Aug. 14, 1846," directed to Mr. Hoyt, Exchange Hotel. It is one of the most important and singular in the whole package. It fully confirms Mosby's testimony about the interview in No. 18.]

TUESDAY, 3 o'clock.

I have just returned home and would fain seek relief from the agony I am now enduring by writing you, mine own, and only one: yet I cannot, my feelings are such that I have not strength to write, I feel as if I was lost forever—almost distracted. All I can do is to pray Heaven to have mercy on one of the most wretched creatures living. Would to God you could look *now* in this heart and read there its sorrow. Alas! alas! how would your bosom yearn towards me so utterly forsaken by the whole world and so utterly wretched.

WEDNESDAY MORNING.

I wrote you dearest, the above lines on yesterday. They speak to you of agonizing emotions. Last night, what miserable hours of waking sorrow! *I have not closed my eyes in sleep*, and this morning, I am almost exhausted from suffering—yet it is impossible for me to support life, this livelong day without writing you. Oh! dear, *dear*, dearest one, I cannot picture to you my misery. It is *now overpowering, overwhelming*, I can no longer endure it—it *must kill me*. Dearest, what moments of suffering were those passed yesterday! It chills my very blood to think of them. Dearest darling, you did not love me yesterday. Your manner was so changed towards me that I could not fail to observe it. You were *actually cold* towards me. Oh! dear, dear love, why is this change? Now I need every kindness, every affection from you to enable me to support life, and now, in this hour of my agony, would you desert me? Would you, too, my only loved one, leave me, forsake me? You, the only being who has made me cling to this wretched existence. Would you withdraw from me your blessed support? You taken from me, then, *then*, alas! am I utterly forsaken? Yes, altogether

desolate; for, dearest, are you not my all, in this wide world? My family, my friends, have each one proved false to me, and would you too, mine angel! Oh! what tenfold agony in the very reflection! But dear adored one, even if you despise me, I cannot blame you, for *they* tell you I am unworthy of you; they tell you I possess nought to make a woman beloved, and, dear love, it may be you helieve them. You may spurn me, east me from you, as a being altogether worthless; yet I will not utter one complaint. No dearest, I will never reproach you. Rejected, spurned, yet I must ever love you; for to you I am indehted for all the happiness I have ever known in this life, your love has given me such joy as can only be felt in Paradise. You are the only creature who has shown me kindness; you alone, as mine own dear guardian angel, has taught me to bear my sorrow; and can I, will I ever forget these acts of *mercy*? No! I call God to witness I never shall, my latest breath shall be spent in praying Heaven to bless you. Yes, I pray my God to bless one, whom I love far better than mine own life. Dear darling one, perhaps you no longer love me, but oh! God, east me not away as unworthy. That *you* should think me *unworthy* breaks my very heart. Dearest, in all humility I kneel to you, and I implore you, think not too hardly of me.—Oh! helieve not all *they* tell you. Believe not your poor distracted Virginia is not as pure as seraphs above? If you cease to love me, for God's sake cease not to respect me. Tell me, I entreat you, that I shall ever possess your respect, and that at least will take one pang from my agonized bosom. Dear love though they may endeavor to make you believe that I am the *vilest woman*, oh! I have, with all my faults, one virtue left. I love you, dearest one—till words fail to speak such depth, such strength of devotion. But, darling, how *can* you helieve what *they* say of me? Have I not confided to you every feeling of this bosom? Have I not told you every thought? and oh! dearest, knowing me as you do, my God, how can you lend a listening ear to such words as *they* speak against me? When I think of how I have been wronged, accused, my very heart feels as if it would break; and, dear love, is it not natural I should suffer thus? I am a human being, I have some of the feelings of humanity, tho' they would say I had not. My heart is not of stone. I must and I do feel, oh! God alone knows how—it has rent my very soul. But, darling, I care not what they and the whole world think of me, but oh! good God, that you should think harshly of me! This fills the bitter cup of sorrow to overpouring. But, dearest, in your moments of calmness and reflection, you cannot believe what *they* tell you of me. See with what confidence, what faith I have entrusted to you my happiness, *my very life*; and would *you* now deceive me? Oh! my God, if you have ceased to love me, then

I *cannot, WILL NOT live*; for hope then, alas! is a blank, an agony. But, darling one, for the sake of mercy, tell me you *still respect me*.—Dear, dear angel, I blame you not. Mine own brother has told you I was unworthy of you, and I cannot blame you for believing him. Man has not power to see every thought of this bosom, but I thank God, he can *see all*—he knows my sorrows, and as a heavenly father he pities me. This poor heart, broken, torn though it be, is as pure as Heaven itself. Never has one improper thought sullied its brightness. It is filled but with one feeling, and that is love, adoring, idolatrous love for thee. Oh! dearest, when I think *they* have made you despise me, good God! whither shall I go? I am alone, unprotected, all desert me. *He* whom I worshipped as my idol—my angel—he forsakes me. Now there are none, *none* left. Dear one, you have made me *love life*—you have made me cling to existence, and now that you too forsake me—farewell—yes, farewell. I dread not death, I hesitate not to end this wretched existence by my own hands. God will have mercy on my soul, for he will forgive me for taking a life I can no longer endure. Dear beloved one, I have naught now to live for, and I am so miserable that I have lost my very senses. By my side I have a vial of laudanum, enough and thrice enough to cause death. Only think how happy I am to know just by one draught, I can still the throbbings of this heart. I will do it, for oh! I can no longer live. Then, dearest, farewell—yes, *forever*! In one hour, perhaps, you may hear that she who loved you so fondly is now no more. Pray for me, dearest—pray God to have mercy on my soul.—But I *MUST DIE*. Oh! God give me strength to drink it. Forgive me, dearest!—oh! forgive me, for the sake of Heaven. I love you, love you till reason has left me, My God! perhaps this is the last word I shall ever write. Good God! I am deranged—yes, actually deranged! My pen falls from my hand. Oh, God! what wretchedness.

WEDNESDAY EVENING.

My God, beloved, could you know what were my feelings a few hours since, you would helieve what I have often told you, that I shall die a *MANIAC*. I can scarcely realize that I am now living, for I was so near death. Why, why was it that I feared to die? The sweet hope that you might *still* love me; for this love makes me cling to life—deprived of that love, death has not *one* sting. I have suffered so intensely to-day, that I was compelled to take an opiate, under the plea of violent headache. I have slept for several hours, and this has, in some degree, calmed the excitement of feeling. Last night I did not even *close my eyes*, and this bodily exhaustion has augmented the misery of my mind. When these attacks of perfect agony come over me, I verily believe, for the time being, I have not my senses, and I actually fear now to be left alone—I tremble lest, from

the desperation of sorrow, I may in a moment of rashness put an end to my own existence. I tremble when I think what is to be my fate in this world. Oh! dearest, if you could look in this heart and see how wretched, how perfectly miserable I am, you would pity me. There does not beat in the breast of mortals a heart so broken, so lacerated as mine. You know, beloved one, all my trials, and you do not blame me for being wretched; for, Oh God! I have not hope save the *hope of death*. Dearest, I pray you forgive me for having thought, for a moment, that you had ceased to love me. On yesterday I thought you were very cold towards me; but perhaps because I was suffering so much. I may have wronged you even by thinking so. Forgive me, for I was so unhappy that I longed in that hour of sorrow for every proof of affection. I felt that your dear words of love alone could support my sinking heart, and I knew your dear voice alone could revive in my soul the springs of life. But darling, remember I did not blame you. You were given to understand I was unworthy of you; and could I then blame you for ceasing to love so unworthy an object. But Oh! darling one, believe not this of me. This life shall prove to you I am worthy of thee. Dear love, only see how I adore thee; every action of this life shall convince you of the truth, the devotion, the purity of this heart. Oh! dearest, once more let me intreat you, implore you, to love me. 'Tis my all; 'tis my very breath, Oh! to know that you love me—to hear it from thy sweet lips, to see in those dear eyes, those eyes, more eloquent than words. This, this is my happiness, and what trouble, what suffering, would be too high a price for thy love. Oh! darling, can you ever desert one who loves you as I do? Dearest, when I dwell on the deep, exalted feelings of this heart, which no language can express, I cannot merely say I love you. No, it is something more than love, more even than idolatry to a feeling I cannot describe; but 'tis a sort of worship of intense idolatry which exceeds the very hounds of imagination. Darling, if you could only know *how* I love you, then you would *know* I was worthy of you. Mine angel, I love you to that degree of adoration, my life is in your hands; with you it rests whether I live or die; for this love taken from me, then, alas! *death is inevitable*. REMEMBER THESE WORDS, AND PAUSE HERE YOU DECIDE MY FATE. Dearest angel, 'tis this fear which makes me so miserable, it almost kills me; and darling, you cannot blame me for feeling thus when you reflect that you are my *all* in this world; and as the only being I love, it is but natural I should cling to you with such fondness, such tenacity. Darling, I am so miserable when away from you that hours actually seem days, and since yesterday appears an eternity. On to-morrow, God grant I may get a dear note from you telling

me the heavenly words that you still love me. Ah! when shall I meet you? for heaven's sake let it be instantly, *instantly*, for this absence almost takes from me life itself. I left No. 18 at a most unfortunate moment, I fear, for I observed several persons in the room opposite, whose faces I could not distinguish *for my veil*, also a servant in the Rotunda. Now I am afraid they will speak of it, for of course they saw the door *tried*, and then my coming out looked suspicious. I wished I had remained a few moments longer, then I might have left unobserved. Do, darling, try every way and ascertain if any thing has been said by the servants, *for 'tis them I fear*. I can only hope you did not come out the *same door* I did, for if you did, of course it gave rise to remarks. However, I trust, these are only my fears—but should you find that anything has been said you had best endeavor to explain it away. I think it strange the door should have been tried *twice*, and I should like you to find out the person so inquisitive. I am almost afraid to go to 41; for there I am so apt to meet —. However, dearest, I leave it for you to make the arrangement; but I beg you will use all means to find out if any thing has been said, as I feel very anxious to know. I can but regret I left at the time I did; however no one may have recognized me through my veil. You can find out surely. Oh! dearest, if I do not soon see you, I know not what will become of me. Again darling, I beseech you let it be the first moment that it is possible; for loving you as I do, absence is insupportable. From the loss of rest, and opium together, my head aches so badly that I must write no more till to-morrow. Dear love, won't you kiss your poor, *poor* Virginia, and say you still love me.

No. 15.

3 O'CLOCK TUESDAY.

[No date, but presumed to have been written August 25th.]

Darling one, I have just returned from the Exchange, and you can conceive what my feelings are at the bitter, *bitter* disappointment of not seeing you. Dearest you must forgive me, I cannot write. Could you know half the agony of this heart, you would see how impossible 'tis for me to write. Oh! mine own dear one, I have never known such suffering before: and if 'tis to endure much longer, death is far preferable. The only thing that supports me now is the hope of seeing you to-morrow. Oh! mine own loved angel, if 'tis possible I implore you to see me. If you can manage it so far as to meet in 41, there you can rest on the sofa; and think dearest, what happiness you will give her who loves you above the whole world. If you *cannot* see me, send me a note at 12 o'clock, so if I do not receive one at that hour, I shall fly to you on the wings of love. My God! the very thought of it, thrills me with joy. Dearest,

sweetest darling, once more I implore you see me and send happiness to the poor distracted bosom of your own VIRGINIA.

No. 16.

[On the back of this letter is endorsed "Wednesday, August 26th, 1846."—in Mr. Hoyt's hand writing.]

WEDNESDAY.

Dear darling, how awfully, bitterly, disappointed I am again to-day. Oh! dearest, I feel as if I should die this day. My God! I am dying to see you. Dear, dearest one, won't you write me this morning! Yes, I know you will sweet one, every word will comfort me so sweetly. Darling, you made me so happy last evening by telling me you still loved me. Oh! could you know the joy those dear words give me, you would not blame me for so often saying—"Dearest, do you love me!" As I have told you before, 'tis not that I *doubt* you beloved one, that I ask the question, 'tis only the delight of having you say—"Yes, I do love you." After I left you yesterday, dear one, I repeated to myself those magic words of thine, and oh! what feelings of bliss did they not create in this bosom—dear, dearest angel, so long as you love me I am *perfectly happy*. Think of this mine angel, and never, *never* take from me this precious treasure. Oh God! mine own worshipped one, how I do love you.

In that *hateful letter* he says, "what will you give him next, your very soul?"—yes, I love you to perfect idolatry, *utter adoration*. Yes! I love you to distraction itself.

No. 17.

[Endorsed Friday, August 31st. 1846.]

THURSDAY, 30th.

Darling, I do feel sad, *sad* to-day. For the last hour I have been all alone weeping. Yes! weeping, over a fate as dark, as gloomy as mine. Oh, dear one, you do not know *all* I have to make me wretched. Dearest, only see how I am situated in this world; bound *forever* to a man who does not hesitate to tell me he cares nothing for *me*—treated, alas! *my God only knows how cruelly!* The affection of my father, mother, all my family, alienated from me. Living in this unhappiness, nay, wretchedness, and yet, not *one* hope in the future—I can look for no relief save that of death. Each hour liable to be turned from this *my only home* and cast upon the world a perfect *outcast*. Oh! dearest, was ever woman so lost, so wretched. 'Tis in these moments of sorrow, that I long for thee to lay my head on thy bosom, and let thee breathe away the cloud from my soul. I am yours so entirely that you can make me just what you please.

I would not quit one thought of thee,
Nor bid my dream of joy take wing,
I would not from thy spell be free,
For all the treasures earth can bring.

VIRGINIA.

No. 18.

[The following is endorsed, Monday, 21st September, 1846. The letter through Boyden, that she says she is so anxious about, had been intercepted by Col. Myers on the 16th.]

MONDAY, half-past 2 o'clock.

I shall be at the window, *front*, just above the front steps, to-night, at 12 o'clock *precisely*—that is, if the family have retired. If not there at that hour, *wait till I come*. I will give you a farewell note, *attached* to a string. After you take mine, tie your note to the string and I will draw it up—I will know it is you by your *waving* your white handkerchief. Write me every moment this afternoon; for remember I shall not hear from you again for a long while. Answer every word of this letter; tell me how you feel for me. *Remember those words are to support me to-morrow through the greatest trial woman has ever been called to endure*. Tell me you are *for ever mine*, and then *they may condemn me*. I will only cling closer to thee. Have no fear of writing, for every word is burned *instantly*. Tell me you will write me so soon as I get every thing safely. Dearest, on this promise life depends. Till to-night, farewell.

Your poor miserable, *but devoted* —.

Did you receive a letter through Boyden? I sent you one, and am anxious about it.

No. 19.

[The following is, no doubt, the "farewell note," which he received "attached to the string." It was probably the last token of affection he ever received from this guilty, but unfortunate woman:]

MONDAY, 21st Sept.

Oh God! was ever misery like mine! wretched days and sleepless nights. Oh God! what is hope to me now! To-morrow decides my fate. I am separated from my husband, and compelled to return to a home where I know not how I shall be received. My father is a stern-hearted man—from him I can receive nothing but unkindness, perhaps cruelty; but, oh God! defend me from this fate! Oh, what is it that stays my hand, when all this misery may be ended in one moment? My God! this life must be taken! I cannot support it. Oh that I had strength to write you, but this poor bosom is too agonized for one word. Oh that I could see you but for one moment—just one instant; but no, alas! it cannot be! Dearest, for one hour last night did I sit at the window just over the steps, hoping to see you; but you did not come. My God! just for one hour with thee, I would give up life itself. You ask me if Dr. and Mrs. — are kind to me? Dr. — is so incensed against me, that he will not even see me. He believes I wrote the letters. He says they are so filled with love and idolatry, that he never believed before woman could love with such intensity. They are indeed awful letters—every word

breathing the deepest, fondest love. Mrs. ——— has been like an angel to me. She believes me innocent, pure and heavenly.—She feels for me more than I dared hope any one would feel for me. She sleeps with me, soothes me, prays for me, when I am in such agony that I am almost a maniac. Sometimes I have suffered so, that in order to allay my miseries, I have taken 40 drops of laudanum. Every day since that fatal Thursday I have taken opium every five hours; for without it I should have died. No mortal could endure agonies like mine. Oh God! when I think on my future fate, I am beside myself—going to a house where I shall meet nothing save harshness—no being to speak one word of comfort—one word of kindness—all cold, chilling to me—perhaps on a bed of illness, death—no creature to smooth my dying pillow. Oh God! God! God! the thought kills me; alas! what may be reality? Dearest, never forget—never forget—swear to me you never will, your promise that my last moments shall be spent with you. You shall be sent for—that I promise; and oh, tell me you will not refuse to come—promise me—nay, swear it, then I will be happy, knowing the last breath will be in thy arms. I expect nothing from my family but unkindness; and now I wish you to advise me on this subject. Dear one, you are my all, and on you I depend for every thing. I have told you that I have means sufficient to support myself for a year: should my treatment at home be such as I fear it will be, what would you advise me to do? If they treat me cruelly, you certainly would not wish me to endure it. I have a very dear friend at Washington, Mrs. ———, a woman of the very first family and standing. She is so devoted to me, that she will refuse me nothing. She loves me she says as her child. Shall I apply to her to get me a situation as teacher in some school, or any other employment she might see fit? I can write to her and go to her unknown to my family, for perhaps if they knew it, they would not let me go. Will not this be a good arrangement? I have such confidence in her devotion to me, that I know she will not refuse me any favour, however great—indeed I know she would insist on my remaining with her;—but that I would agree to only on one condition—that she allows me to earn my own support. Did you know how she loves me, you would be sure that I would meet from her unbounded kindness. Now, dearest, know how coldly, how unkindly I am to be treated at home. They will treat me so as to break my heart, and oh! I cannot endure more than I am now suffering! In your letter to-night, tell me how I shall act in this affair, for I will do nothing without your advice. Oh, my very heart bleeds, when I think of the trials before me! Oh, you do pity me! Think of me to-morrow, when my fate is to be decided; and oh, pray God to have mercy on me! Dear one, I trust you

will send me the ring, for now I need every kindness from you, to strengthen and support me; and oh that ring will be such a solace. For the sake of merey refuse it not. All my friends, believing me to be ill, not having heard of my distress, have been to see me, but my mind is in such a state, I have seen no one. Every hour I receive some message from some of them. J. W—— has been every day, but I can see no one. I am in too much agony; and Col. M—— forbids my mentioning the subject to a creature; and dearest, do you not think, in justice to myself, I should have told my friends of this—for when I am gone, they will hear Col. M——'s statement. He will be believed, and I shall not be here to defend my friends of *all*, but I am not allowed to do so. They will hear my accusers when I am gone, and I shall not be here to say I *am innocent*. Oh, how unjust they are to me! In those letters there is not a word said of our meeting once in the parlour. Dearest, once more, promise *never* to speak to P. R——. Col. M—— told Dr. C——, that P. R—— told him of things which occurred *between us*, saying he had them from Boyden, who was "*our friend*." P. R—— spoke of you *vilely*, to Col. M——, saying you were not a *fit associate for men*; also told him of a certain woman whom you had as a ———; but my God! all I ask is, shun him, for he is the ruiner of my peace—as *such*, could you speak to him? Dearest, I know I shall leave here either to-morrow or Wednesday, for home. After I am at home, I shall write you, telling you *all*, for fear of danger. I shall enclose the letter to Boyden, putting it in the office with my own hands. In that letter, I shall form some arrangement by which you can write me. It shall be without risk—for all shall be fixed with the *greatest precaution*. I think now, of getting a friend of mine, with whom I am exceedingly intimate, to allow me to receive your letters through him. He is very fond of me, and I know will agree to it—perfectly honorable, and therefore there cannot be the least danger. He will deliver your letters to me in person. In your letter to-night, tell me if you will agree to this. I know you will, for could you refuse me such a happiness—separated from you, and not hear from you—this is utterly impossible, impossible. Oh dearest! tell me you will do this, when I write you it has been arranged *perfectly safe*, I entreat you, as my last request, refuse me not—for, refuse me this, and take, *take away life*. Oh dear! how we will pass the days of absence, knowing that we are faithful, constant—and I feel that ere long, God will make us happy. Yes, dearest, I sometimes think this trial which is now so grievous, is to be the means of finally uniting us forever. If you are faithful, it will be so; for ere long, I may be free, *honorably* free, and then I am yours. Tell me, beloved, do you not believe I shall one day be thine? Do

you not believe this very circumstance is to bring me to thee? Oh, God grant it. There is only one fear—that is—*change*. If we continue to love, God says, we shall be happy. Dearest, now tell me you will always love me, and we will wait patiently for the hour of our re-union. If we love always, there can do nothing to prevent our being united—for I shall be free, and then I am thine. Dearest, do you think you can stand this test? When you write in your note to-night, tell me, for that will support me when all else fails. The hope, the belief, that we are to be one day happy, and I swear nothing shall prevent it, if you love me. To-morrow, dearest, we part, yet 'tis not forever. No, the hour comes when we shall be happy. Oh dearest, the belief that we shall be faithful, constant, supports me. I can stand everything while you love me. Promise me that no being shall have one thought, one feeling of thine. Love me, and I again swear, nothing shall prevent my being yours, and honorably yours. This separation is a grievous trial, but we will look beyond it to the bright day of our meeting. I cannot write, for alas! alas! I am too wretched. Oh dearest, pray for me. Tell me, when I am gone will you pray for me? Oh that those letters had not been intercepted! But alas! it was from no carelessness of mine. I knew not that the servant was my spy. I could not foresee this. No, it was decreed by God all these trials should come on me. I have learned one lesson. I will never trust a human being again with a letter. I put them in the office with mine own hands, and I receive them in those hands. No one will I trust, except a man whom I know to be worthy of my confidence. He shall be our friend.

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No. 20.

[The following letter was written by Mrs. Myers after she had been taken to her father's house, and is dated the very day upon which Hoyt died. Consequently, he never saw it, and it must have been placed in the package with the others, by some of his friends.]

ALTA VISTA, Oct. 9th.

Having learned, through the medium of a friend, that *all my letters* addressed to you during the whole period of my acquaintance, have been placed in the hands of Dr. Mills, with directions from you to circulate them freely and extensively through Richmond, in order to show the public that you were *sought and seduced by me*, thus increasing popular

prejudice against me, you can surely imagine how I was shocked and astonished at this intelligence. I could scarce believe that *you*, whom I had deemed so honorable, so generous, should have acted in this manner towards me, overwhelmed as I am by grief and anguish. Those letters were written in the most confiding spirit, and without one thought that, in the tempest of public feeling, they would be exposed by you indiscriminately to the perusal of a mixed community. Had they been written for public inspection, how differently would they have been penned!

I do not write with a view to upbraid or reproach you; but conscience will have its empire, and so cruel an exposure of what I once deemed *sacred*, will not be without its reward. I now beg you that you will at once surrender to me all my letters and communications to yourself. I cannot believe that you will momentarily hesitate to send them to me without any delay, inasmuch as the request you made me to destroy every line penned by you to myself, was so trustingly performed. If you are acting from revenge, you may be assured the communications intercepted by Colonel Myers, and now in the possession of my enemies, are sufficient to crush me forever, devastate every hope, and destroy all my prospects of happiness. I entreat you pause, and reflect that the wreck of my destiny is complete, without further assistance from your hand. I trust you will refrain from exposing any of my letters to you, now in the hands of Dr. Mills, in the PUBLIC COURT. This I entreat of you. You can imagine how I shrink from such an exposure of letters, written in such sacred confidence. Spare me this blow, at least, for I am overwhelmed with sorrow. Grant this my last and only request. You would not, surely, by such a course, lacerate more deeply the wounds already and forever inflicted on my peace, my reputation and my hope.

In anguish and grief,

VIRGINIA MYERS.

You can seal up my letters in a package and send them to me by mail, or put them in a small box and send them by the boat. Direct, Warren, Albemarle, Va.

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[There were many other letters produced in court to which we could have had access, but as these were the only ones that were offered in evidence, we considered that they were the only ones the public had a right to see.]

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